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TRANSACTIONS

OF THE

ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

By Professor C. H. FIRTH, LL.D., F.B.A., *President.*

Delivered February 17, 1916

THE STUDY OF ENGLISH FOREIGN POLICY

One result of the war has been to turn our attention from domestic to foreign affairs. For a long time the British electorate had been so wrapped up in our own constitutional struggles that it was almost completely blind and deaf to other issues. It has been brought back to the affairs of Europe as it were by an earthquake. People who never thought seriously about the relations of England and the Continent, and were content to leave foreign policy to our Foreign Secretaries, begin to form opinions of their own, and will in due season express them at the poll. A new period of our history has begun in which a democracy, hitherto indifferent to external problems and exceptionally ignorant about them, will demand information about these problems, and cannot, without great peril to national interests, be left as uninformed as it is.

The subject I wish to discuss to-day is the duty of a society of historians like ourselves with regard to the question.

First of all, what is the origin of this indifference or ignorance? It is no new thing: it did not begin with the triumph of democracy in the nineteenth century, although it was aggravated by that fact. The smaller and narrower electorate of the seventeenth, the eighteenth, and the early nineteenth century was no better informed on these subjects than the electors of to-day. Nor was Parliament itself any better informed than it is now: on the contrary, judging from the debates, it was more ignorant. In one of Chesterfield's letters to his son, written in 1748, he says:

'We are in England ignorant of foreign affairs and of the interests, views, pretensions, and policy of other Courts. That part of knowledge never enters into our thoughts nor makes part of our education; for which reason we have fewer proper subjects for foreign commissions than any other country in Europe; and when foreign affairs happen to be debated in Parliament it is incredible with how much ignorance.'[1]

Compare another complaint, written about a century and a half later, after three Reform Bills had raised the electorate from one to five millions.

'We are too much in the habit in this country of attending only to one subject at a time, and when we are thinking about Ireland, which is very commonly the case, we are apt to forget all else, and both our relations with foreign powers and those between ourselves and our dependencies drop into the background. . . . It is too much the case with us in England that when we are occupied with the consideration of the Irish problem, or dealing with the circumstances which most often lead to the rise and fall of Ministries, we allow the foreign affairs of the country to be transacted in the dark, with an absence of control that, owing to the efficiency of our Foreign Office, may produce no ill, but also with an absence of knowledge which cannot be advantageous. On the other hand, when some awkward circumstance arises, a disproportionate weight is attached to it by those who have wilfully remained in ignorance of the true position, and the diplomacy of the country is suddenly unduly hampered by criticism which rests upon no foundation of fact.

[1] *Letters*, i. 247, ed. 1827.

While home affairs are watched with the closest attention, and conducted by all parties with high skill, foreign affairs pass from periods of contented but ignorant calm to periods of discontented or violent, but often equally ignorant, panic. There is not, it must be admitted, the same consistency in the foreign policy of Great Britain which is to be found in the foreign policy of the autocracy of Russia, of the constitutional monarchy of Italy, or of the Republic of the United States. It varies under the influence of the personal views of leading statesmen, but more than this, it even undergoes extraordinary modification from time to time while remaining under the influence of one and the same party in the State.'[1]

I might multiply similar quotations, but, as you perceive, under whatever regime we have been living, whether it was aristocracy or democracy, men conversant with foreign affairs and responsible for the conduct of our foreign policy agreed in lamenting the public indifference to these subjects and the public ignorance of them. It is clear, then, that the defect is not the result of the form of government. Chesterfield suggests that it is due to the defective education of the governing classes, Dilke suggests that it is the fault of the government for not educating the electorate so as to fit it for its responsibilities, and each of the two is right, but neither of them supplies the whole explanation. At bottom the ignorance and indifference are the result of our geographical position. The sea, which, as Shakespeare says, serves England

> 'In the office of a wall,
> Or as a moat defensive to a house,
> Against the envy of less happier lands,'

by preventing us from close association with other nations and by developing certain qualities in our national character, created the state of mind which is summed up in the comprehensive word 'insularity,' and from that the ignorance and indifference complained of grew up. Politicians have sometimes spoken as if the existence of the Channel rendered

[1] Dilke, *Present Position of European Politics*, 1887, pp. 282–3.

indifference to continental affairs, not merely natural, but legitimate and advantageous. Mr. Gladstone wrote of 'that streak of silver sea which cuts off England partly from the dangers, absolutely from the temptations which attend upon the local neighbourhood of continental nations,' and based on this conception too absolute a theory of non-intervention. Other statesmen, hardly appreciating the defensive value of the silver streak, have been rather too ready to intervene. Their point of view is well set forth in one of Cromwell's speeches.

'You have accounted yourselves happy,' he told Parliament, 'in being environed with a great ditch from all the world besides. Truly you will not be able to keep your ditch, nor your shipping —unless you turn your ships and shipping into troops of horse and companies of foot and fight to defend yourselves on terra firma.' [1]

These two utterances represent the two principles which have alternately directed English foreign policy, but neither of them has ever completely dominated it. Our policy vibrated between these two poles. Examine that policy closely for some short period of years, and its changes and inconsistencies stand out in glaring relief. Look at it as a whole for three or four centuries, and its fundamental consistency is the most striking characteristic. Foreigners perceive this more clearly than we do. 'In sum,' wrote a French journalist lately, 'all the perfidy of "perfidious Albion" through the centuries has consisted in demolishing seriatim every government and every people, which in a fit of megalomania has tried to treat the rest of Europe as a conquered country.' [2] This is what was meant by that policy of maintaining the balance of power which Mr. Bright found so difficult to understand and so easy to denounce.

This consistency of purpose and continuity of action was the result of causes more permanent and more powerful than the will of the particular men who from time to time directed

[1] *Speech*, xvii. [2] G. Hervé, *Après la Marne*, p. 260.

English policy. 'We do not make foreign policy,' said a contemporary statesman, 'foreign policy grows.'

Take any period of British history you like, and an examination of it reveals the truth of this axiom. I prefer to take the seventeenth century because I know it best. In order to understand the policy of Great Britain, one must begin by studying the condition of Europe, by understanding what Chesterfield called 'the interests, views, pretensions, and policy' of the various continental states at a given time. Exact knowledge of these facts was essential to the statesmen who directed our policy then, in order to enable them to adapt their plans to the conditions of the sphere in which they worked. And this knowledge is as necessary to the student in our own day who seeks to understand their policy as it is to the historian who attempts to judge it. The great value of Gardiner's account of the foreign policy of the first two Stuart kings is that his prolonged study of the European history of the period enables him to show, not merely what James I and Charles I did or attempted to do, but where they failed because they sought unattainable aims, and where because they employed inadequate means. While the possibility or impossibility of attaining the aims of any policy depended on European conditions, the permanent interests of the state underlay English policy, and, in the long run, dictated its objects. Those interests might be primarily political in their character. For instance, the union of the three kingdoms —England, Scotland, and Ireland—into one state was for centuries the dominant motive of English governments. As France during the Middle Ages and in the sixteenth century strove to prevent the attempts of England to secure the control of Scotland, this involved repeated collisions with France. As Spain after the Reformation supported the Irish Catholics in the attempt to shake off the rule of England, lasting hostility between England and Spain was the result. Another traditional aim, pursued with equal persistency, was to prevent the coasts opposite our shores

from being used as a basis for attacks upon England, and that led us into contests with Spain and France for the defence of Holland or the Netherlands.

A second set of interests were economic rather than political. The desire to obtain a share in the trade of the East and to establish colonies in America was another of the dominant motives of British policy. During the seventeenth century it brought us into collision successively with Spain, with Holland, and with France; during the eighteenth it led to several wars in which both France and Spain were allied against us, and finally it resulted in a war with all three powers at once.

Again, commercial reasons made the necessity of defending Portuguese independence against Spain one of the axioms of British policy, and the preservation of free access to the Baltic another.

Taken together, these permanent political and economic factors made up what seventeenth-century pamphleteers called 'the interest of England.' A good government meant to them one that based its foreign policy on this interest, and promoted it either by arms or diplomacy. Neutrality in European quarrels, the preservation of the peace of Europe, and a purely defensive foreign policy were ideals sometimes accepted at court, but never popular with the nation. This was important because in England, as in the United Provinces, public opinion, owing to the form of government, could express itself effectively, and did exercise at times a decisive influence. Opinion, therefore, was a third factor in determining our relations with other states—a variable and inconstant element, but one of steadily increasing weight. To trace the origin and growth of changes in public opinion, as shown in parliamentary debates, pamphlets, newspapers, and literature is as necessary to the student of our foreign policy as reading the despatches of ambassadors or the articles of treaties.

There is yet a fourth factor which has to be taken into account in tracing the history of our foreign relations—

namely, the personal factor. What share had the will of the sovereign, or the minister to whom he entrusted power, in determining them? It is obvious, considering the form of government then in existence, that during the seventeenth century the power of the monarch to direct our foreign policy was greater than it is now and that of his ministers less. But his freedom of action was restricted, not merely by the conditions of Europe, but by the traditional principles and economic interests already mentioned and by the pressure of public opinion. In quiet times he might set aside the traditions, neglect the interests, and pursue a line of action which opinion condemned; but when an international crisis arose, the pressure became irresistible, and he was forced to follow the course which the traditions and interests marked out for him. James I, for instance, pursued his Spanish marriage policy for about twelve years, and then, much against his will, found himself obliged to declare war against Spain. Charles II postponed for three or four years the war with France which his Parliament desired, and when it did break out, he succeeded in making it a mere demonstration which came to an end in a few months. On the other hand Cromwell, by his conquest of Jamaica, precipitated a war with Spain, which, owing to the colonial policy of the two powers, was certain to happen in the long run, but need not have happened at that particular moment. From these and other instances it seems clear that the influence of the personal factor was real but strictly limited. It was a power to retard or accelerate the progress of greater forces, and, to a certain extent, to shape the development of the events they produced.

Contemporaries, especially the writers of memoirs, usually tend to exaggerate the influence of individuals on events; modern historians frequently fall into the opposite extreme. In the seventeenth century it hardly occurred to anyone to discuss the problem. A passage in Sir William Temple's Memoirs shows that, while he himself regarded international relations as determined by personal causes, there were

foreign statesmen who believed them to be the result of general causes.

'I have long observed,' says Sir William Temple, 'from all that I have seen, or heard, or read in story, that nothing is so fallacious as to reason upon the counsels or conduct of princes or states from what one conceives to be the true interest of their countries; for there is in all places an interest of those that govern, and another of those that are governed—nay, among these there is an interest of quiet men, that desire only to keep what they have, and another of unquiet men, who desire to acquire what they have not, and by violent, if they cannot by lawful, means. Therefore I never could find a better way of judging the resolutions of a state than by the personal temper and understanding, or passions or humours, of the princes or chief ministers that were for the time at the head of affairs. But the Spaniards reasoned only from what they thought the interests of each country.'[1]

Let us turn now from the seventeenth century to the nineteenth century, or rather to the period which extends from 1815 to 1915, and examine its history in the same way. It is clear that English foreign policy was determined by the same factors as it was in the seventeenth century, though their relative importance had altered and its sphere of action had been immensely enlarged. This was not merely due to the fact that Great Britain had become a world power: it was due to the fact that other European powers had become world powers too, or were endeavouring to become so. Whereas in the seventeenth century there was a general struggle for territory and dominion in America, it had spread during the last hundred years to Africa and Australasia. International relations became more complicated with this extension of their area and with the multiplication of the points of contact between the various powers. Hence many of the old aims of British policy had become obsolete, while the new aims which replaced them

[1] Memoirs from 1662–9, Temple's *Works*, i. 286, ed. 1764. Compare Montague Bernard's *Lectures on Subjects connected with Diplomacy*, p. 115.

were at first neither as precisely defined nor as generally accepted. Whilst we were slowly adapting ourselves to the changing world, British policy was not as definite or consistent as it had been. Was it our interest to maintain Turkey or to support the new states growing up out of the Turkish empire? Was it desirable to let our colonies become independent states or to maintain a close political connection with them? On these fundamental questions there was, during the greater part of the nineteenth century, no agreement amongst British politicians. Moreover, the great change in our fiscal policy which took place about the middle of the nineteenth century resulted from a change in our economic position, and produced other changes, so that there was no longer the general agreement as to our economic interests which had existed in the two previous centuries.

It is not surprising, therefore, that there was a period during which the foreign policy of Great Britain was hesitating and uncertain. De Witt, in the reign of Charles II, had complained of 'une fluctuation perpetuelle dans la conduite d'Angleterre avec laquelle on ne pouvait prendre des mesures pour deux années de temps.' The complaint was often echoed by foreign statesmen during the third quarter of the nineteenth century. Towards the close of the century, however, the attempts of successive British statesmen to maintain continuity in our foreign policy, and the conclusion of the ententes with France and Russia at the beginning of this century, marked the return to a definite national policy.

I endeavoured, in dealing with the seventeenth century, to estimate roughly the influence of the personal factor in determining our foreign relations. It is not easy to attempt this with regard to the last century, because the evidence is less accessible. It is clear that the power of the sovereign is an uncertain quantity, varying with the constitution of the country as well as with the character of the ruler. Take our own country. No historian has attempted to trace the

influence of George IV or William IV on our foreign policy; they trace and criticise the policy of Castlereagh or Canning, of Palmerston or Aberdeen. On the other hand, the letters of Queen Victoria reveal a constant endeavour to control the policy of her ministers, and the influence of Edward VII is a question disputed at home and abroad. No one, however, disputes that the will of an autocrat, such as the Tsar Nicholas I or the Emperor Napoleon III, was a power in international relations. 'I alone know what the foreign policy of France will be,' declared Napoleon III. But even the power of an absolute ruler has its limitations. In a conversation with Lord Goschen in 1881, Prince Bismarck delivered himself of a long denunciation of parliamentary government; at the end of it he reflected a minute, and said: 'After all, what is the alternative? Absolutism. And what does absolute monarchy mean nowadays? A bureaucracy and a royal mistress.'[1] Bismarck himself—even when he was the most powerful minister in Europe—found his power limited by court influences, by the military authorities, by the necessity of conciliating some party or other in the Reichstag, and by the necessity of convincing his master, and the interest of his career lies largely in the conflict between his will and obstructive forces.

For nineteenth as for seventeenth-century historians the question of the influence of the personal factor in international relations remains the most difficult and perplexing problem which they have to solve.

But the most fundamental difference between the politics of the two periods is the enormously increased power of opinion during the nineteenth century. It has become a great factor in international relations instead of a small one. Its influence is now more direct, more rapid, more universal than it ever was before. Burke marked the beginning of this change. 'Opinion,' he wrote to Wyndham in 1794, 'never without its effect, has obtained a greater dominion over human affairs than it ever

[1] I twice heard Lord Goschen tell this story.

possessed.' According to the school books the great characteristics of the nineteenth century are the spread of representative government throughout Europe and the development of nationalities. The first of these movements gave opinion a machinery for expressing itself, the second gave it cohesion and unity of purpose. The coincidence of the two movements was decisive. In the eighteenth century international politics were simpler. When Ségur was a young diplomatist at the beginning of his career, he asked a famous statesman, Count Aranda, to explain to him the secret of European politics. Aranda showed him a map, and made him observe the configuration of the various states and mark the irregularity of their boundaries—the concavities here and the convexities there. All these powers, said he, wish to keep the projections and fill up the hollows: 'Voilà toute la politique.'[1] To-day a statesman would have to take down an ethnological map of Europe too, and to point out that every nation wished to annex the detached fragments of its race outside the boundaries of the state and assimilate the fragments of other races within them. It would not be 'toute la politique,' but it would be, in many states, the larger part of it.

The direct action of national opinion upon international relations was facilitated by two other nineteenth-century changes—the growth of cheap newspapers and the invention of the electric telegraph; the first shapes and propagates opinion, the second excites it, mobilises it, and accelerates the movement of events. As Lord Dufferin said in 1890: 'Thanks to the telegraph, the globe itself has become a mere bundle of nerves, and the slightest disturbance at any one point of the system sends a portentous tremor through its morbidly sensitive surface.' Thus the work of the diplomatist has become more difficult because

[1] 'Toutes ces puissances veulent conserver leurs saillies, remplir leurs échancrures, et s'arrondir enfin suivant l'occasion.'—*Mémoires du Comte de Ségur*, i. 277 (ed. 1859).

it has to be conducted at greater speed, with more publicity, and amid the clamours of the newspapers.[1]

The increased power of opinion was shown by the attitude of continental governments. During the first part of the century their policy was to prevent its expression altogether—the policy of Metternich. That proving impossible, they changed their plan. Instead of trying to dam the torrent they utilised it to turn their mills—the policy of Bismarck. The inspiration and manipulation of opinion, especially with regard to international affairs, became one of the chief functions of the administration. Mr. Wickham Steed defines Austrian newspapers as 'Instruments working to manufacture public opinion, primarily in accordance with the wishes of the state authorities.' In that country each important department has its press bureau, and the Foreign Office possesses what it calls a 'Literary Department.' In short, 'the Austro-Hungarian press is almost entirely under official control when dealing with questions of foreign policy, and the public rarely gets an inkling of the merits of a situation which may involve the country in war.'[2] But the classical examples of the modern method of forming and directing opinion are to be found in Busch's book on Bismarck, and in Bismarck's own account of the composition of the Ems telegram.[3] Even historians are utilised to manufacture public opinion. Sybel's book on the Foundation of the German Empire was undertaken immediately after the event, as an *ex post facto* justification of the Bismarckian policy, and was aided by placing official records at his disposal.

The British government fell into the opposite extreme. There had been a time when it sought to direct

[1] Lyall, *Life of Lord Dufferin*, p. 544 (ed. Nelson). Compare Sorel's prophetic essay entitled 'La Diplomatie et le Progrès,' in his *Essais d'Histoire et de Critique*, 1883, p. 281.

[2] Wickham Steed, *Hapsburg Monarchy*, pp. 182, 194, 199.

[3] Busch, *Bismarck—Some Secret Pages of his History*, 3 vols., 1898. *Bismarck in the Franco-German War*, 2 vols., 1879.

political opinion by censorship of the press, by prosecuting newspapers, by hiring pamphleteers, and by subsidising editors. But when it abandoned illegitimate methods of forming opinion, it did not systematically employ legitimate methods. It is true that it adopted the plan of publishing collections of diplomatic correspondence before other governments did so, and that our Blue Books long preceded the Yellow, Green and Red books of other continental powers. But we never realised that it was not enough to inform Parliament about foreign affairs, and that it was desirable to instruct the people about them. Each Reform Bill made the task more necessary, but our governors said to themselves: 'Nothing is changed, there are only a couple of million more voters,' and left the task of instructing them to party newspapers, and thought the delivery of occasional platform speeches all that statesmen could be expected to do. So while England became a democracy about 1868, the penny Blue Book was not invented till 1914.

Left to educate itself, British democracy naturally concentrated its attention on domestic affairs; it has grown up singularly ignorant about the facts and principles on which our foreign policy is based; and this ignorance is aggravated by our insular position and rendered dangerous by our world-wide interests and responsibilities. Hence the suggestion that our foreign policy would be better managed if it were more directly under democratic control, seems to me not to hit the mark. We do not need a more powerful democracy—we need a better-informed one. Therefore it should be more adequately supplied with information by the government. 'I do not know why it is,' said Mr. Austen Chamberlain a few months ago, 'but in this, the most democratic of countries, our people have been told less of foreign politics—of the relations of one state to another and of our relations to them all—than has been the custom in all great continental nations, even in those in which Parliaments and the mass of voters do not have, as they have here, complete control of the policy of the country. It has been

a tradition not affecting one party only . . . a tradition handed down from older days when less depended on the voice of the people, and, as I think, not suited to the circumstances of to-day.'[1]

It is clear that if our government wishes to inform the people about the relations of this country to others it can do so in two ways. First of all, by speeches in Parliament and outside it; and secondly, by publishing the necessary information in print. But in order to diffuse amongst the people the information it publishes, it must rely on journalists and publicists and historians, and either directly employ them for the purpose or encourage and facilitate their voluntary task. Amongst these auxiliaries there is a division of labour. The journalist usually takes the information the government supplies at a particular crisis and abridges it, rearranges it, and comments on it in order to make it more readable. The publicist collates it with information derived from other contemporary sources, and treats the question it elucidates in a more comprehensive fashion, and at a greater length, in reviews and magazines. There is no very clear distinction between the publicist and the historian; the main difference is that the historian considers the question in relation to the past rather than the present, is more concerned with its origin than its solution, and writes with a scientific rather than a practical object. They help each other. Take up, for instance, a book on 'The Balkan Problem' or some other problem of to-day. You probably find that the author relies on his personal knowledge of present conditions and recent facts, supplemented by recently printed evidence, and depends for past conditions and older facts on the investigations of historians in archives and libraries. Through books and articles and newspapers an historian's results at last filter down to the general reader and help to form opinion.

In this process of diffusing information the historian plays directly a very modest part; but it is an essential part,

[1] October 22, 1914.

because our present relations with other countries are the consequence of our past relations, and recent policy cannot be explained without some knowledge of past policy. You cannot begin the study of it with the appointment of the present foreign secretary, or the accession of Edward VII ; to understand it you must go sometimes a little way, sometimes a long way, farther back.

Let us see what the government does to enable the historian to do his part in this business of political education, what materials for writing the history of our relations with other countries it provides for him. Take first the materials provided for the study of the remoter past—that is the period before 1815—and then those for the last hundred years.

In one way the historian of the period before 1815 is very lucky. All the documents relating to our foreign policy before that date which the government possesses are collected in the Record Office, and are easily accessible though poorly catalogued. As to publications, the foreign state papers have now been calendared down to 1582, and there are also calendars of Venetian and Spanish papers relating to the same period. In short, everything has been done to make our foreign policy during the sixteenth century intelligible and familiar.

When we come to the seventeenth and eighteenth centuries the case is completely altered. Government publications about our foreign policy come to an end. None of our foreign state papers for either century have been calendared. A few small collections of papers in private hands, relating to foreign affairs, have been calendared by the Historical Manuscripts Commission, but for printed documents we have to rely on publications produced by private enterprise. Look at the collections of documents issued at the expense of the French and German governments to elucidate the history of their foreign relations during those centuries, and you will perceive that they wish to instruct the public in the traditions of their policy and

that such an idea has never entered the head of our government. It may be said that the events of those centuries are so remote that they can have very little bearing on recent policy, but even those which have a more direct bearing on it are equally neglected. For instance, the events of the Napoleonic Wars. Mr. Oscar Browning, in the preface to one of the volumes he edited for this society, makes this complaint:

'I venture to express a hope that the publication of documents such as are contained in this volume will not be left much longer to private enterprise. Of the official calendars published by Government only one series is at present devoted to foreign affairs, and this is still occupied with the affairs of the sixteenth century. It is surely far more important for us at the present day to know the truth about the foreign policy of England in the period of the Revolution and of Napoleon than to be informed of every tergiversation of the tortuous Elizabeth. In that epoch we took a line of our own, and incurred an immense responsibility, the effects of which we are feeling at the present day. If there is any connection between history and politics, it must be of vital importance for us to know the grounds on which our ancestors acted, to be informed of the precise nature of the problem before them and of the manner in which they dealt with it. Not to mention the correspondence of Napoleon I, which, however imperfect, reflects credit on the Government which produced it, the French Government is publishing at this very moment the correspondence of Barthélemy in 1792; Germany is printing public documents of the first decade of this century; Russia is loading our shelves with the most precious information about the Empress Catharine and the Emperor Alexander. We not only neglect to place our case before Europe, but we allow it to be stated by foreigners. Le Bon has treated of the intrigues of Wyndham with the émigrés, and the best documents relating to English policy in 1813 and 1814 are to be found in Oncken. Surely some of the money devoted either to the Calendars or to the Rolls series, which is limited to the reign of Henry VII, could be spent upon the publication of documents of the past and present century, interesting in themselves, valuable to the whole of Europe, invaluable to Englishmen.'[1]

[1] Oscar Browning, *Preface to England and Napoleon in* 1803, x-xi.

Turn now to the nineteenth century, or rather to the century beginning with the close of the Napoleonic Wars in 1815. For this period there are three series of government publications. Firstly, 'State Papers British and Foreign,' a volume published every year since 1812, consisting of treaties, conventions, declarations, orders, &c., with some diplomatic correspondence added.[1] Secondly, the collections known as 'Hertslet's Treaties,' about thirty carefully edited volumes, with maps added. Thirdly, there are the Blue Books and other papers about foreign affairs laid before Parliament. Their value is universally admitted, and they are as indispensable to the historian as they are to the politician. But while they provide historical materials of great value, they have as authorities for history one great drawback. They contain, as a rule, a collection of documents relating to a particular question or incident and to a limited period of time. But there are great gaps in the information they supply. An historian wants to know what the relations were between Great Britain and a particular power during the interval between the Blue Book on the incident of 1850 and the Blue Book on the incident of 1880, and something more about our relations to other powers at the time when those incidents occurred. Besides this, a Blue Book often omits documents because it is undesirable to publish them at the particular moment, though in a few years the reason no longer holds good. And since Blue Books are disconnected and incomplete, an historian who undertakes to write the history either of our relations to a particular power or of any period of our foreign policy, is obliged to have recourse to the original records themselves if he wishes to make his narrative full and accurate. An instance will show this. Spencer Walpole, in his 'History of England from 1815 to 1880,' devotes a large amount of his space to our relations with foreign powers, employing the Blue Books for that purpose in a careful and systematic

[1] On their history, see Sir E. Hertslet, *Recollections of the Old Foreign Office*, 1901, p. 145.

way. Compare his account of the relations of England and France from 1830 to 1848 with Major John Hall's 'England and the Orleans Monarchy,' which is based, not on the Blue Books, but on the original correspondence now in the Record Office. It becomes clear at once that the printed documents were utterly inadequate for an historian's purpose, and that it was indispensable to have access to the originals.

Why is it that we had to wait till 1912 for an accurate account of England's relations with France during the reign of Louis Philippe? The reason is that the regulations of the Foreign Office prevented access to the necessary materials. Until 1892 no Foreign Office papers later than 1802 could be seen by historians, even with a permit. From 1892 to 1903 it was possible to see, without a permit, papers written before 1802, and, with a permit, papers written before 1830. In 1903 there was another change—in one respect it was a retrograde step—the limit for papers accessible without a permit was moved back from 1802 to 1780, while for those accessible with a permit it was moved forward from 1830 to 1850. An Inter-departmental Committee which sat in 1908 took more liberal views, and recommended that papers written before 1837 should be accessible without a permit; this recommendation was adopted, and is now in force. With a permit, Foreign Office records can now be seen up to 1860.

In this way the study of British foreign policy during the nineteenth century was officially discouraged and obstructed. It is only since 1892—that is, for the last twenty years or so—that historians of the nineteenth century have been allowed to see the authorities on which their works should be based; and it was not till about ten years ago that they were allowed to go beyond 1830. The present system, though more liberal, is not liberal enough. In the first place, there is no reason why free access should not be given to a much later date than 1837: a date which does not indicate a landmark in European history, but merely an event of domestic interest. Secondly, the system of permits,

as it is worked, is unsatisfactory. 'We think, speaking generally,' said the Committee of 1908, 'that permits should be granted to all *prima facie* competent and responsible persons engaged in historical or biographical research, and that they should not be confined to writers of established reputation or to individuals personally known to Ministers.'[1] The last words indicate the system which had hitherto prevailed. No doubt the recommendation of the Committee has had some effect, but the question of the fitness of the applicant for the privilege he seeks is still settled entirely by the officials of the Department. In France there is a system which is much more satisfactory to historians. There an application is judged by the Comité des Archives Diplomatiques, a body consisting partly of historians, partly of officials, so that the candidate can be sure that his qualifications are judged by persons conversant with his studies. Thirdly, it is unreasonable to fix the year 1860 as the extreme limit for investigations conducted under a permit. It is an arbitrary date which does not mark any natural division in European history. The natural stopping-place would be the close of the Franco-German War in 1871, which does mark the beginning of a new period. No political interest is served by preventing Englishmen from writing the history of our foreign relations during the period from 1860 to 1871. The French government is less secretive than ours. It has recently published, under the title of 'Les Origines Diplomatiques de la guerre de 1870–1,' the correspondence of its ambassadors from December 1863 to the summer of 1866—a correspondence which contains many interesting sidelights about our own policy. It also allowed M. Emile Bourgeois to see all the documents in the French archives about the negotiations for an alliance between Italy, Austria, and France in 1869 and 1870, and to publish the results in his 'Rome et Napoleon III.' It has granted similar privileges for a still more recent period. M. Debidour was allowed freely to use the correspondence of the French

[1] *First Report of the Public Records Commission*, ii. 63.

government with its agents at Rome between 1870 and 1882 in his 'L'Eglise Catholique et l'Etat sous la troisième République.'

Thus in France the government encourages historians to write the history of French foreign policy by granting them access to papers which in England they would not be allowed to see.

This intelligent liberality is one of the results of the establishment of the Third Republic. Till about forty years ago the archives in the French Foreign Office were practically inaccessible. In 1874, however, the government appointed a Commission des Archives Diplomatiques, composed partly of historians, partly of officials and diplomatists, whose object was to make the papers as accessible as prudence permitted. 'The Commission,' said the Minister for Foreign Affairs in 1880, 'has always been guided by the principle that in a democratic government like ours the study of the political traditions of France in her relations with other countries could no longer be restricted to a small and privileged class, but that it was desirable to facilitate the work of all who were interested in the dignity and greatness of their country.'[1] The Commission defined its object in the same fashion, declaring that, at a time when France found herself able to take the management of her policy into her own hands, it was proper to acquaint her with the history and traditions of that policy and the grounds on which it was based.

This aim directed, not only the regulations drawn up by the Commission for the use of the archives by historians,[2] but also the character of the publications it issued. First,

[1] M. Duclerc to the President of the Republic, Dec. 23, 1882. 'Vous remarquerez avec moi, M. le Président, l'activité et la persévérance de la Commission dans l'accomplissement de l'œuvre en vue de laquelle elle avait été formée, c'est-à-dire la communication à la fois prudente et libérale des documents historiques conservés au Dépôt des Affaires Étrangères.'—*Rapport*, 1880–2, pp. 7–11.

[2] The changes in the French regulations may be thus summarised. The Decree of 1874 opened the F.O. papers up to 1713; that of 1879 up to 1792; that of 1880 up to 1814; that of 1891 up to 1830.

it took in hand the preparation of a catalogue of the Foreign Office papers—a long task, now nearly completed, which has resulted in the production of an ' Inventaire Sommaire '—which, unlike the ' Lists of State Papers Foreign ' published by our Record Office, gives you an exact account of the contents of the volumes it enumerates.[1] At the same time it began the issue of the Collection of Instructions given by the Kings of France to their ambassadors from 1648 to 1789, which now forms a series of about twenty admirably edited volumes of the greatest historical interest and value. These documents were selected for publication, not only because they were useful to historians and diplomatists, but because, taken together, they embodied all the traditions of French foreign policy, and so formed, as the Commission said, ' a practical work for the diplomatic education of our democracy.' ' By it one can learn what the ideas were which directed the action of France in the world, and what the permanent and essential interests were which France sought to defend.'[2]

A little later the Commission undertook the publication of a series of volumes analogous to our Calendars of State Papers (termed an ' Inventaire Analytique de la Correspond-

[1] See *Rapport sur les Travaux de la Commission des Archives Diplomatiques* for 1880-2, p. 15.

[2] See *Rapport*, 1880–2, p. 18; 1905–7, p. 11. The Committee terms the collection when completed ' A la fois un monument incomparable des traditions de la politique extérieure de la France et une œuvre pratique pour l'éducation diplomatique de notre démocratie.' They then proceed, with the same object, to recommend a second series of publications. ' Pour que ce dernier but fût atteint, il ne suffirait pas du *Recueil des instructions*. Par celui-ci, on peut connaître les idées directrices de l'action de la France dans le monde, les intérêts permanents et essentiels qu'elle s'est efforcée de défendre. Il ne serait pas moins nécessaire que l'on pût se rendre compte de quelle manière ces idées se sont manifestées et ces intérêts ont été sauvegardés.' Hence the necessity for this new series of publications, in which ' il faudrait que toutes les formes de l'activité diplomatique pussent trouver place : recueils de dépêches embrassant une mission et une négociation complète ; actes des congrès qui ont abouti à des traités généraux réglant pour un temps le statut international des contractants ; relations des ambassadeurs ou envoyés, quand elles existent.'

ance Politique '), but not exclusively confined to the papers of the sixteenth century, but including also papers of the period of the French Revolution.[1]

Finally, in 1890, it organised and opened to the public on the same conditions as the archives themselves, a special library of works relating to diplomacy and foreign policy, which now contains more than 80,000 volumes.[2]

All these activities were inspired by one aim—to make the past foreign policy of France better known to the present generation of Frenchmen by assisting historians to study it. The long list of books based on investigations in the archives of the Foreign Office, which is published periodically at the end of the Commission's reports, shows how successfully this aim was achieved. Certainly the historians of France have done their share in informing the French democracy and creating unanimity on the subject of the national policy.

In our own case the indifference of the Department principally concerned is not the only obstacle to the study of the foreign relations of Great Britain; the system of education prevalent in our schools and colleges is another cause of its neglect. In English schools the study of history generally means the national history with some Greek and Roman history added; and, while the national history is often inefficiently taught, European history is, as a rule, entirely omitted. Further, our history since 1815, which is the most essential period for the training of the citizen, has less attention devoted to it than earlier periods, and the history of Europe during the last century is not taught at all. On the other hand, in French schools, according to the programme of July 28, 1905, contemporary history is the subject specially prescribed for the highest classes; and it means the study of European and French history from 1815 to the beginning of the present century.

[1] See *Rapport*, 1884, p. 10. Besides the correspondence of Castillon and Marillac the series includes the correspondence of Barthélemy.

[2] *Rapport*, 1889–90, pp. 9, 21; 1894–1904, p. 13.

The text books used are excellent [1]; they show that it is possible to combine the teaching of national history and general history in schools, and so to prepare the schoolboy to form an intelligent opinion on the questions which the citizen will be required to decide.

Unhappily our universities have long neglected to encourage the study of recent European history. In an address which Dr. Prothero delivered to this Society in February 1904,[2] he dwelt on 'the neglect with which the history of the nineteenth century is treated in this country,' and the lack of good English books both on the period in general and on separate countries.

'This,' he said, 'is a reproach to British scholarship, and gives food for some disagreeable reflections as to the common-sense and political wisdom of a people which, having probably more points of contact with other powers than any nation in the world, yet neglects to acquaint itself with the events and conditions that have made its neighbours what they are.'

He then proceeded to show that Oxford and Cambridge were largely responsible for this neglect, owing to their failure to provide teaching in the subject or to the restrictions of their historical examinations.

Since 1904 there has been some improvement in this respect at both universities. At Oxford the regulations of the School of Modern History have been altered, and the history of Europe can now be studied down to 1878 instead of only as far as 1815. At Cambridge it is clear from the writings of the younger historians that the nineteenth century is no longer left unstudied. We have also to thank the Press of that university not only for the three volumes devoted to the period since 1815 in the Cambridge Modern History, but also for a special series of books on

[1] *E.g.*, E. Driault and G. Monod, *Histoire Contemporaine* (1815–1908); or A. Malet, *L'Époque Contemporaine.*

[2] *Transactions*, New Series, vol. xviii, pp. 12–31.

various European states[1] 'intended for the use of all persons anxious to understand the nature of existing political conditions.' Unhappily this valuable series of text books is incomplete—the volumes on Modern Germany, Modern France and Modern Austria have not yet appeared, and those dealing with Italy and Spain need supplementary chapters to bring them up to date.[2]

There is yet another requisite for the political education of the British peoples—a series of books setting forth the history of the relations (not confined to diplomacy and war) between this country and particular foreign states. Professor W. A. Dunning's book on the British Empire and the United States is an example of the kind of work required; its fairness, its breadth of view, and its learning make it a model which should be followed. It is not an apology for either country, but an explanation of the causes which brought them from time to time into conflict and the means by which agreement on the points at issue was finally effected.[3] Lastly, there is one more desideratum, and that is a history of the growth of British policy to complete the story which Seeley left half-told, for it is more than ever necessary now to make plain to our people the responsibilities they have inherited and the principles their forefathers followed.

[1] *The Cambridge Historical Series*, edited by Dr. Prothero, which now numbers 23 volumes. Volumes on Modern Germany and Modern France, since 1815, are now in the press; and a volume on Austria-Hungary is in preparation.

[2] Since this was written the first volume of Sir A. W. Ward's *History of Modern Germany* has been added to the series.

[3] London, 1915 (Allen and Unwin).

GERMANY IN THE TIME OF GEORGE I

By J. F. CHANCE, M.A., F.R.Hist.S.

Read January 20, 1916

THE constitutional form of the German Empire of two hundred years ago was that of to-day. A band of sovereign states; an emperor at their head, Roman in name but German in reality; a Reichstag, or diet of the empire; imperial courts of justice, Reichskammergericht and Reichshofrat, or Aulic Council; an army of general contribution. Really, nothing could be more different than the Germany of Charles VI from that of Bismarck's creation. The watchword of the latter is efficiency, the mark of the institutions of the old empire was their inefficiency. Rather it was the Germany of which Bismarck got rid, the Germany whose chief state still was Austria. That was changed in form, but little in essentials. To have a cipher emperor, or none, made little difference, and if nine-tenths of the 330 sovereign members of the old empire had been suppressed, its destinies were always in the hands of the few greater states. Now there is a real emperor, a real Reichstag, ordered administration of justice, a military system the most perfect in the world. In the eighteenth century the emperor, as such, was a figurehead, the diet a mockery, the law-courts utterly incompetent, the army, when it could be assembled, a shame and a disgrace. Soldiers there were in plenty, and of the best, but their masters preferred to earn money by hiring them out to foreign powers. There was no Zollverein to remove the shackles from internal trade and unify commercial interest. The imperial dignity was elective, not hereditary; foreign kings might aspire to it. But the main difference was the absence from the minds of all, saving a few philosophers, of any sense of German nationality or unity.

Nations were united in the eighteenth century by force, either by that of circumstance overruling domestic dissension, as in the cases of Switzerland and Holland, or by the compelling power of a strong monarchy. The time for union on grounds of national sentiment, the case of modern Italy, was not yet. Community of race was not a condition; Switzerland counted four distinct nationalities, Spain at least six, France almost as many, but all three played their part in European politics as single nations. On the other hand the northern Italians had then no thought of union, the Poles were a byeword for disunion. And so it was with Germany. There was common race and language there, but no force to curb and control discordant interests. As late as 1866 the states could still bring their quarrels to the arbitrament of war. Then Prussia roughly taught the rest that no combination of theirs could stand against her overwhelming might and created an united Germany by the force of her military despotism. We are reminded of the work of Philip of Macedon and, by the present-day sequel, of the ambitions and adventures of Alexander.

The great wealth of modern Germany, her dreams of world-dominion, her successful competition with British industries and trade, are quite new things. Many of us here remember her a poor country, politically and commercially a despised country. But compared with the Germany of the time of George I it was a land of wealth and luxury. We may read in the histories how frightful was the condition of the people after the ravages of the religious wars. The fall of the great capitalist and industrial cities of a former time—saving three or four, as Hamburg and Antwerp, that flourished under special conditions—had resulted, indeed, from the development of world-commerce in the sixteenth century, but their ruin and that of all else was completed during the Thirty Years' War. Nuremberg was reduced to making toys and fancy articles, Augsburg to little more than a handicraft of lace.

Everywhere the fields were desert, industries at a standstill, and for all central and southern Germany seventy years from the peace of Westphalia brought little betterment. There were men there, after the war, to work for better things, as well as in the north; such men as John Philip of Schönborn, elector of Mentz, duke Ernest of Saxe-Gotha, or Charles Louis, elector Palatine. The second set a standard for other states in care for the moral welfare of his people. For their material prosperity he contrived water-communication with Elbe and Weser and was able to send timber to help to rebuild London after the Great Fire. With greater opportunities Charles Louis worked similarly on a greater scale. He re-peopled his lands with foreign colonists, refounded Mannheim to be the metropolis of the Rhine trade and Heidelberg to lead the German universities. Nor was like effort wanting in Bavaria and Würtemberg. But war in these lands intervened again to destroy achievement. The Palatinate was mercilessly ravaged by Louis XIV. Bavaria, Swabia, Franconia suffered fresh devastation in the war of the Spanish Succession. The emperor Leopold I saw the Turks at the gates of Vienna and later he and his son had to meet the Hungarian rebellion.

In the protestant states of the north and east the case was different. The Brunswick territories had been spared the worst horrors of the Thirty Years' War and were carefully administered. The middlemen of Hamburg were busy as never before; they of Frankfort imported English goods to the value of £100,000 a year. In Brandenburg, raised from the abyss by the untiring activities and opportune diplomacy of its Great Elector, manufactures, trade and agriculture flourished. There also French and other protestant refugees were welcomed and pursued their various arts. The population of Berlin rose from 6500 in 1661 to over 60,000 in 1721 and doubled itself again by 1760. Saxony benefited in like manner. Leipzig, with its favourable situation on cross-roads of commerce, was opening

its great career. Halle was the centre of an important salt industry and other minerals were being worked with profit. Porcelain was being made at Meissen, cotton fabrics at Chemnitz, various textiles in Voigtland. Silesia, again, had linen and flax to export and woollen manufactures which were spoiling the sale of English goods in Poland and Russia and South Germany. Some were of such quality as to sell for English in Hamburg and Lübeck.

But interchange of the products of these nascent industries, and trade generally, was grievously hampered by the duties levied at every possible frontier, so that even the fine waterways of Germany were in scant use. The abuse persisted in spite of the attempt made at the congress of Westphalia to abolish it. Charles Whitworth, British minister at Ratisbon, counted in 1716 nineteen toll-stations on the Danube between that place and Vienna, so that it was cheaper, he says, to send goods through Bohemia by waggon. Between Breslau and Hamburg, on the through waterway opened by the Great Elector of Brandenburg, he reckoned twenty-eight, besides ' boat-money at wares (weirs), sluices and bridges ' and other imposts. On the Rhine, that ' noble piece of water-carriage,' as he calls it, there were thirty between Strasburg and the Dutch frontier, between Coblentz and Bingen one for every league, and in addition compulsory trans-shipment at Cologne and Mentz. On the Elbe, similarly, there were nineteen between Hamburg and Magdeburg, sixteen between Magdeburg and Dresden. As for foreign trade, that was cut off by the great colonial powers ; Germany exported little by sea beyond some corn and cattle.

Worse than this economic stress was the social condition of the people. Everywhere despotisms were being established, states being unified on the principle of primogeniture and the tyrannies supported by standing armies. Everywhere popular franchises were being crushed and all life concentrated in the princely courts. Aristocratic privileges and peasant liberties succumbed alike. Of the towns and

cities, which once had so brilliantly upheld communal rights, many had lost their freedom during the religious wars; others, as Herford, Münster, Erfurt, Magdeburg, Brunswick, had been forcibly reduced since 1650. Even Hamburg and Bremen barely escaped subjection. Here is what a German historian, Carl von Noorden, says of the social condition of Germany in 1705:

'In all the territories of Germany the people lay politically voiceless and economically helpless. The towns were a convenient agency for princely management of finance. In the country communal life and feeling were extinct. The peasant was a serf, handicraft despised, officials and teachers the lord's domestic servants. . . . Germany had been castigated by seigniorial immunities for centuries; for some generations past a new visitation had been acceptance of servitude. Of that bloom of conscious citizenship, which had unfolded its petals in the time of the Reformation, but scanty traces remained in the imperial cities of the South. . . . On the average German culture had receded since the sixteenth century. Poetry and art stagnated, and the written language, with which Luther had endowed the German people, had run wild by neglect.'[1]

The princes who were making themselves absolute, save one or two, cared nothing for all this. Dazzled by the baleful example of Louis XIV, all that they cared for was to ape his splendour. What money they could wring from their domains or gain by hiring out their troops was spent on luxury and ostentation. Augustus of Saxony and Maximilian of Bavaria were but leaders in the mode. Even Frederick, first king in Prussia, wasted his substance so. His son speedily put matters right, but at the time that George I came to the throne of England he alone almost among the German princes possessed a furnished treasury. He was rich, because he hated spending; he preferred to lend out his surplus revenues on profitable mortgage. Maximilian of Bavaria was over head and ears in debt. So great was his need, that when at the beginning of 1726

[1] *Europäische Geschichte im achtzehnten Jahrhundert*, ii. 141.

John Law came to Munich on a mission from the British government he was at once sent for to the elector's sick-bed and asked to lend the wealth of which he was believed to have robbed France. In not much better case were the elector of Saxony, with his additional burden of maintaining himself in Poland, the elector Palatine, the duke of Würtemberg, the landgrave of Hesse-Cassel or other sovereigns of Germany. The gaining of allies by Great Britain and France, or by Austria and Spain, in 1726 was mainly a matter of purchase. Had George I been able to promise British subsidies in time of peace he had not wanted for them.

The low condition to which Germany was reduced appears strikingly in the domain of literature and art. There was plenty of philosophic talk, especially at Hanover and Berlin when the electress Sophia and her daughter Sophia Charlotte ruled those courts, plenty of culture and polish, but they were French. In this particular period, this time of extraordinary brilliance in France and England, but one German name stands out as European, the great name of Leibnitz. In his domain of philosophy and science may be noted also Thomasius and Wolff, but if we search for poets, we find only Brockes of Hamburg, if for painters or architects, none worthy of mention. Only in music was Germany beginning to lead the way. If the opera so much in vogue was Italian, the period includes the earlier work of Händel and of Bach.

Yet amid all this darkness maintenance of moral principle among the mass of the German people and the spread of liberality in religious thought shed light. It was a time of revived effort for conciliation of creeds, Leibnitz in the van. The ' Pietists,' led by Spener and Francke, revolted against the tyranny of dogma. They set up morality as the standard of religious life, the spirit of Christianity above the letter. The movement soon in Germany relapsed into sectarianism, but Methodists and Moravians carried it throughout the world.

These liberal tendencies found special encouragement at

Berlin in the time of elector Frederick III, from 1701 king Frederick I. His queen, Sophia Charlotte, inherited from her uncle Charles Louis, elector Palatine, and from her mother breadth of opinion verging on free thought. She could enter with Leibnitz into deep problems of his own philosophy or the systems of Descartes and Spinoza, could discuss pietism with Spener, theology in general with equal zest with the free-thinker Toland or the agreeable Jesuit propagandist, Father Vota. Spener found refuge from Saxon bigotry at Berlin ; Francke, Thomasius, Christian Wolff at the university founded by the elector-king at Halle.

From this brief view of the state of the empire in the time of George I we may pass to its institutions. But, firstly, as to its extent. We must take away from modern Germany all East and West Prussia and Prussian Poland, Alsace and Lorraine, save for some scattered localities, and the part of Schleswig-Holstein robbed from Denmark in 1864. We must add what is now Belgium, with Luxemburg, the kingdom of Bohemia, and what may be called the home-provinces of Austria—the archduchy itself and the Tyrol, Styria, Carinthia and Carniola, with Trieste. And also the duchy of Savoy, though now of doubtful membership, and certain lands south of Alsace, the bishopric of Basle and the county of Montbéliard or Mömpelgard.

The eastern frontier of the empire, then, started from a point on the Baltic west of Dantzig and marched with Poland and Hungary right across Europe to touch the Adriatic near Fiume. The south-western followed the present boundaries of Italy and Switzerland from Trieste to Basle. Northward of that, in Alsace and Lorraine, no man could say exactly what was of the empire and what not. In the north-west the frontiers were those of France and Holland.

But in the Netherlands, while the bishopric of Liège formed part of the circle of Westphalia, Flanders and Brabant and Luxemburg were Austrian rather than German. They were what remained of the old circle of Burgundy. Their right to representation in the diet had been retained,

even when they were Spanish, but that was all. Says Whitworth in 1714, the year of their transference to Austria :

' They never really contributed to the publick charges, nor joined in the other acts and deliberations of the Empire, and by degrees they seemed to be entirely dissolved from the ancient union, of which nothing was left but the name.'

And again, though sometimes sending a minister to the diet

' under the name of Burgundy, 'twas more to keep up the form and second those of Austria, than for any real concern they took in the deliberations of the Empire.'

The laws which governed the constitution of this wide-spread realm had received their latest form under the treaties of Westphalia, constantly cited afterwards as the base and foundation of German liberties. But such liberties were for the individual, for the empire as a whole disruptive licence. The treaties, as has been truly said, recognised and confirmed disunion, constituted anarchy. It was good, no doubt, to have religious dissension at least regulated, finally to disjoin Germany from Rome, but the ruin of the imperial authority was completed. Each and all of the crowd of immediate vassals of the emperor, from the most powerful elector to some small country town in Swabia, had their full sovereign privileges of self-government confirmed. Each now obtained the absolute right to sit and vote in the diet. Further, the practice of making independent leagues and treaties with other states and powers was legitimated, subject to the proviso that such were not directed against the emperor or empire, nor contrary to the public peace, nor to this of Westphalia. This right was fully exercised by such as had the power. Frederick William I of Prussia, for instance, concluded twenty-seven political treaties with foreign powers. Altogether his treaties and conventions of various kinds amounted to well over a hundred, an average of more than four for each year of his reign. He entered

into war with Sweden on his own account, as also did Saxony and Hanover. He made, as king in Prussia, his separate peace with France at Utrecht after the war in which his father took part as a principal. On the other hand Maximilian of Bavaria, siding with France in that same war and failing, came under the ban of the empire, with confiscation of his dominions and his electorate.

The central institution of the empire was the diet, made up of three colleges, those of the electors, the princes, and the free towns. Each college debated and arrived at its *conclusum* separately; they, if and when reconciled, were embodied in a general *conclusum imperii* to be referred to the emperor for his ratification or veto. So far, there was similarity to the constitution and procedure of the English parliament, but there the resemblance ends. In the college of princes only the higher magnates, lay and ecclesiastical, had individual votes; the remainder, nearly twice as many, were aggregated in six benches, each bench with but a single vote. So that among them they had but six votes out of about a hundred. And the third college was practically disfranchised. Save in exceptional cases the two higher came to an agreement before consulting the opinion of the towns. That was therefore valueless, though generally something of what they wanted was conceded.

What towns were members of their college was the accident of preservation of freedom. A large number of the fifty-one were small decayed townlets in Swabia and Franconia, where the equally petty nobles had had no power to subdue them, while cities of the importance of Magdeburg and Leipzig were excluded. But the vote of the tiniest municipality had equal value with those of Hamburg or Frankfort.

The emperor could dissolve the diet and call a new one, and dissolution was sometimes talked of, but as a fact that assembled in 1663 continued to sit at Ratisbon in permanence. Members were no longer summoned to

attend in person, they had resident representatives. In consequence of the disabilities noticed the number attending was never very great; some members combined to sustain the expense of a common minister, others did not trouble to send at all. Sometimes the interests of the towns were left to the single charge of Ratisbon. Again, since votes attached to the fief, not to the person, the minister of an elector or other great prince disposed of several. For the same reason some members of the diet, as the kings of Sweden and Denmark and the Duke of Marlborough for his principality of Mindelheim, were foreigners. In 1726 the Swedish minister was recognised as one of the two of greatest experience and influence.

This system of representation made the diet, as Lord Bryce says, 'not now a national council, but an international congress of diplomatists.' And they were professionals, versed in the technicalities of their calling and finding their chief interest in quarrels about ceremony and precedence. That, the British ministers sent to Ratisbon and others testify, was their principal occupation. Other delay and waste of time was caused by the necessity of reference home for instructions on any question of importance, a necessity frequently invented.

All kinds of questions came before the diet, including appeals from the high courts of law, a privilege which the Aulic Council hotly contested. Sometimes might be debated war or peace, the violation of German territory by foreign troops, or the Dutch Barrier, at others a baron's claim for compensation for his demolished castle, protection for the lace-makers of Augsburg against factory competition, Prussian proposals for the prohibition of duelling, or the restraint of gipsies and vagabonds in workhouses. All these matters find a place in Whitworth's dispatches. The decision was by majority of votes, and usually, as with us, not on the merits of the question but in the interests of the two great parties. But those parties were not political, not Whig and Tory, but catholic and protestant. Unless

private interests intervened the noes were of one religion because the ayes were of the other.

Two classes of questions, however, were exempted from majority voting, those actually of religion, and taxation. In 1653 the principle had been affirmed that one individual could not decide what another ought to pay, that there must be unanimity. That was very difficult to obtain. Apart from fixed reluctance to part with money for the public benefit, the states had always in view the danger that the emperor might divert the supplies granted to his own use. Some pleaded poverty, some heavy expenses already privately incurred. And even when voted the funds were impossible to collect. Thus of 16,600,000 florins voted during the last eight years of the French war more than 13,000,000 remained at the end of it unpaid. And, says Whitworth, 'much the greatest part are due from the Electors and others the most considerable Princes of the Empire, which makes the getting them in impracticable.'

As another instance, we may take the case of Kehl and Philippsburg, the two Rhine fortresses whose upkeep was the common charge. In 1715 their fortifications were being washed away, and urgent appeals came in for their repair. But the princes of the Rhine wanted like maintenance at the common cost for Mentz, for Coblentz and Ehrenbreitstein, Bonn and Cologne, while the king of Prussia claimed to have enough to do in Cleves and Guelders and the princes of Lower Saxony with defence of the Dutch frontier. It took a whole year to vote a paltry £6000, and even that sum could not be collected. And the same with later appropriations for the purpose.

On religious questions majority voting was barred by the compact of Westphalia. Here came in the 'jus eundi in partes,' the Protestant Body contending as a whole against the Catholic Body as a whole on equal terms. Similarly, when a matter was committed to a joint 'Deputation' of the three colleges, deputies of either creed were

chosen from each in equal numbers. The same principle obtained in the high courts of justice. The assessors of the Reichskammergericht had to be half catholic, half protestant. In the Aulic Council only six were protestant, but their unanimous vote could stand against that of the catholic majority.

However, since the catholics were united but the protestants divided by intestine feud, the former usually had their way. On the discord of the protestants we have an interesting passage in the instructions given to the sieur de Chavigny, sent to Ratisbon in 1726 to endeavour to restore French influence in Germany. For years, he was told, the kings of Prussia and England had been striving to unite Lutheran and Calvinist in effectual resistance to catholic encroachment, but their efforts had only shown the impossibility of such union. They had with them in the *classe des zélés* only the landgrave of Hesse-Cassel and the margrave of Brandenburg-Ansbach. The other class, the *politiques*, headed by the king of Poland, was numerous, and he, himself a catholic, was more disposed to conciliation than to pressing protestant pretensions. For which reason the king of Prussia, supported by the king of England, had long been endeavouring to wrest the protestant directorate from him, but so far without success. For some feared that he would then desert their cause altogether, others preferred his temperate leadership to Prussian and Hanoverian tyranny.

As an extreme resource the Protestant minority could strike. For instance, to quote Whitworth again:

> 'After the Peace of Ryswyk the Reformed States made a Conclusum not to act in any publick business, till satisfaction had been first given them in respect of the 4th article.'

Work, he says, was suspended until 1702, when the question of war with France subdued all others.

That question may be taken to illustrate the slowness of proceedings in the diet. Hostilities began in April, but

the imperial commissary, whose office it was to propose a declaration of war by the empire, failed to appear at Ratisbon before the middle of July. Although opposition was limited almost to Bavaria and Cologne, it was the end of September before the final resolution passed. After that it took six weeks to settle the strength of the common army and the basis of its contribution. Lastly had to be awaited ratification by the emperor, whose rescripts to the states issued only on January 1, 1703.

Such, then, was the diet, in the words of Perthes :

' the shame and disgrace of the German nation, but the sole organ through which the confederation of several hundred German territorial lords and states could maintain and forward their common life and guard and develop their confederate arrangements.'

Constitutionally, the emperor's authority over the proceedings of the diet was limited to the initiation of measures and to his right of veto. But he could exercise great influence indirectly. His natural adherents were not few, and his commissaries, were they able men, could effect a great deal by management. Leopold I sought to increase his following by the creation of new immediate principalities, but that attempt was met by a decision that in the college of princes, in Whitworth's words, ' no-one can have voice or seat, who does not in his own right possess a Principality in the Empire, to which these privileges have been annexed by unanimous assent of the States.' But the mass of weaklings, both catholic and protestant, including some of the lesser princes having individual votes, stood in need of the emperor's protection. Some members were bound to him by holding lands in his hereditary dominions, others by benefits conferred or in prospect. And Charles VI enjoyed the steady support of the elector of Mentz, a Schönborn head of the diet as arch-chancellor of the empire. So that Isaac Leheup wrote in 1726, he had ' such an influence here, that he could do whatever he pleaseth.'

And again :

'I fear the Princes here have almost forgott that they have a right to their Liberties and Immunities, and are so much affraid of the power of the house of Austria that rather than be exposed to the resentment of it they chuse to enjoy what is really their own only durante placito.'

In addition, the emperor had a direct means of exerting power in the empire through the Aulic Council, which sat at Vienna and depended on him and on his purse alone. Originally a real consultative council, it could still be used for political purposes, although its function now was mainly judicial. Before it came all kinds of suits, and it was generally believed that its decisions were directed by the imperial cabinet and by the Jesuits. In it, says Perthes, 'the inclination of the emperor was the highest law.' The great princes, whom it was his interest to reduce, and particularly Frederick William I of Prussia, brought constant complaint against its verdicts. True, that in that king's aggressive acts against his inferiors he was generally in the wrong, but that cannot have been always so, whereas decisions were invariably against him.

The Aulic Council was notorious also for corruption. And far worse in that respect was the Reichskammergericht, the high court not of the emperor but of the empire. That was maintained at the expense of the states, and they, as usual, would not find the money. Its complement of assessors was fifty, but in 1716, when they appealed to the diet for increase both of number and salaries, they were but fourteen, and three years later only eight. To get through the business under such conditions was impossible. Arrears mounted yearly by the thousand, and such suits only could be decided as the litigants could make it worth the judges' while.

When the diet had got through its dragging labours only half the work was done ; it remained to execute its resolutions. That was the business of the circles (Kreise), that old administrative partition of the empire devised to lighten the

emperor's task of keeping order. They were ten in number, or, if we include the Immediate Imperial Lands, eleven, and they covered the whole empire excepting the kingdom of Bohemia. But two of them, that of Austria and what was left of that of Burgundy, were directly administered by the emperor. The others were self-governing, each with its own local diet (Kreistag) and its own chief princes for directors.

Nothing had more contributed to the ruin of the emperor's authority than the delegation of it to these *imperia in imperio*. Nor was the delegation effective. The feuds of the whole body were not less rampant in its parts. In one circle Brandenburg was expected to work in harmony with Saxony, in the next the Brunswick princes with the dukes of Mecklenburg and Holstein, the kings of Denmark and Sweden. There was not even geographical unity. The partition was by states, and those of the same circle, or their parts, were often widely separated. Burgundy had once joined Franche Comté with Luxemburg and the Netherlands. Westphalia was cut up by the archbishopric of Cologne and its dependencies. Their circle, the Electoral Rhenish, intersected that of the Upper Rhine, one member of which was Savoy, on the other side of Switzerland. Fragments of the circles of Bavaria and Austria were to be found in Swabia and in Alsace. Scattered through Swabia and Franconia and on the Rhine were a crowd of free knights, holding directly from the emperor and forming a circle of their own.

Under such conditions efficiency of administration was not to be expected. It was as hard to push measures through the local diets as through the central assembly at Ratisbon. Agreement of all to carry out the resolutions of the latter was impossible. We may illustrate again from the sequel to the declaration of war with France in 1702. To begin with, the brother electors of Bavaria and Cologne were on the side of the enemy. The king of Prussia, the princes of Brunswick-Lüneburg, the elector Palatine,

had already engaged their best troops for the service of the allies. The last named was grumbling at neglect of his interests in spite of his great services both now and heretofore. The elector of Saxony was fully occupied with his war with Charles XII. In the smaller states and towns the common cry was poverty. The diet had voted 120,000 men, a *triplum* of the customary unit, but after a year of effort, in 1704, the margrave Louis of Baden could count but some 26,000 under his command.

And they were useless. Officers and men alike untrained, no common drill or equipment, no munitions, no commissariat, a motley crowd of scarecrows. The good soldiers of Germany were not sent to swell the army of the empire. That was largely composed of scum of which the princes were glad to be rid.

In general, the preoccupation of the circles was to thwart the emperor's wishes. One service to him, however, the directors were always ready to perform, execution of his mandate against contumacious offenders. For that afforded them the means of gratifying private enmity. George I, for example, in 1719, was but too pleased to have authority to send his Hanoverians into Mecklenburg.

Thus was the old empire already in the seventeenth century a dressed-up corpse. The fact was recognised by thinkers of the time, by such men as Pufendorf and Leibnitz, but for reform they could only visualise the yet impossible, a confederation of states animated by real sentiment of union, Bismarck's achievement. Before him had to come Napoleon's broom, to sweep away old constitutions to the dustbin. The states were there, but no confederation beyond the form. Brandenburg, Hanover, Saxony, Bavaria, the Palatinate in the early eighteenth century followed their own interests as keenly and as separately as though they had been independent kingdoms. To quote Noorden again :

' Of a German policy there had been no talk for long past. The particular members of the empire, although not reckoned yet

as independent powers in the states-system of the west, worked, small and great, far oftener and with far more concern for the weakening than for the strengthening of the empire's bonds. It was no joy then to be born a German, and no pleasure to live as a German.'

Austria differed from the rest only in the immense extent of the emperor's dominions, in his standing as one of the great sovereigns of Europe. Charles VI held wider sway than any of his predecessors since Charles V. Within the empire he ruled his Austrian lands, the kingdom of Bohemia, the Netherlands. Outside it he was lord of Hungary and Transylvania, of Croatia and Slavonia, including most of what is now Serbia and a third part of what is now Roumania, of Naples and Sicily, and of the Milanese. Of other states in Italy, as Mantua, Parma, Tuscany, he claimed the suzerainty. He ranged besides among his innumerable titles fifteen kingdoms and two princedoms in Spain and the kingdoms of Jerusalem, of the Canary Islands, of the Indies and of the Terra Firma of the Ocean. Yet his real power was almost as vain as was this show, for want of money. The condition of his finances was chaotic. There were few imports to be taxed, excise did not pay the cost of collection. The accumulated interest on borrowings was huge. ' It is well known,' says Townshend in one place, ' that the Emperor neither has had, nor has he at this time, any money.' For his first Turkish war Charles had to borrow £130,000 from England on conditions directed against Sweden and the Jacobites. When in 1726 war threatened in consequence of the treaties of Vienna and Hanover, his ability to move troops depended on receipt of the cash contracted for with Spain. He had inherited bankruptcy, and the Austrian court was not one that could economise. When he struck out in a new direction, encouraged the trade of Trieste and founded an East India enterprise in the Netherlands, the famous Ostend Company, the implacable jealousy of England brought his endeavours to nought.

In the relations of Charles VI with his vassal sovereigns there was a cross-division of interests, religious and political. In the former province he commanded a strong following: the three ecclesiastical electors, those of Bavaria and the Palatinate, the throng of lesser catholic princes and prelates. Or rather, he followed them in their perpetual war upon the protestants, for neither was he personally nor were his chief German ministers for upsetting the concordat of Westphalia. But the court of Rome, his Spanish advisers, and Germans of the school of the zealous vice-chancellor of the empire, Count Schönborn, urged him on the path of intolerance. In lay politics the division was quite different. There catholic Bavaria was the open rival of the house of Habsburg, and with Bavaria went the sees so constantly occupied by the electors' kinsmen, Cologne, Liège, Paderborn, Münster, and the rest. On the other hand, of the smaller fry who sheltered under the imperial aegis a great number were protestant. Of the greater states Saxony was protestant, although its ruler had changed his religion to gain the crown of Poland, yet Saxony went usually in politics with Austria. Hanover was protestant, and George I, as king of England, militantly so, but his Hanoverian ministers were ever for keeping up the Austrian connection. Both in Saxony and Hanover the major influence was jealousy and fear of Prussia.

It would be tedious to enter into the complex and ever varying friendships and quarrels of hundred-headed Germany in the time of George I, but some note may be taken of the political inclinations of the few greater states.

Elector Maximilian Emmanuel, of Bavaria, in the earlier years of his rule had done good service to the emperor Leopold I, his father-in-law, against the Turks and in 1688 had refused the great offers made him by Louis XIV. His firmness against France gained for him the stadtholdership of the Netherlands for Charles II of Spain. But after the deaths of his wife and of his young son, named heir to the Spanish dominions and crown, he changed, reviving

old ideas of transferring the headship of Germany to his own house by the help of France. In the war of the Spanish Succession he fought for Louis XIV and Philip of Anjou. Restored to his dominions at the peace he kept up, in spite of his indebtedness, a gay and splendid court at Munich, nursing his ambitious dreams, maintaining a close correspondence with France, and at the same time establishing a claim to the Austrian succession by marrying his eldest son to a daughter of Joseph I.

When, therefore, in 1725, Great Britain and France were seeking to form a league against Austria and Spain it was natural that they should look to Maximilian first for support among the German princes. He understood that what was offered him was renewal of his lapsed treaty with France, with its agreeable subsidies, and jumped greedily at the bait. Heigel has published the letters to his son, in which he exposed his private views and ambitions and the advantages of the offer made. He asserted an incontestable right, in case of extinction of the male Habsburg line, to Upper and Lower Austria, Carinthia and Styria, not to mention the Tyrol and the Netherlands. So aggrandised, he said, his house would become the most fit to support the imperial crown.

But when he found that what was required of him was to engage himself immediately with the allies of Hanover, that George I could not find him British subsidies in time of peace and that Louis XV had not the money, he drew back. Money was what he wanted, and the prospect of support in the future, not present war with Charles VI. In 1726, when he was dead, his son Charles Albert received the desired offer of a treaty with France, but then it was too late, he had just concluded terms with Austria. Yet he continued to nourish his father's ambitions and eventually, as we know, with the help of France obtained the imperial crown and wore it for a year or two.

With Bavaria went always Cologne, whose archbishops of this time were successively the brother and son of

Maximilian, and generally the three brothers, his kinsmen, John William and Charles Philip, electors Palatine, and Francis Louis, archbishop of Treves, sons of that most energetic and ambitious prince, Philip William of Neuburg. He had greatly aggrandised his house by splendid marriages; his eldest daughter was wife to the emperor Leopold, another to Peter II of Portugal, a third to Charles II of Spain. His son, John William, husband successively of a sister of Leopold and a princess of Tuscany, aspired with these high connections to be an independent prince. For long he was his imperial brother-in-law's closest friend and adviser and his keen supporter in the wars with France. But he saw his services unrequited, even by his gain of the Bavarian Palatinate; he wanted more. Yet still his circumstances and his religion kept him on the side of Austria.

Charles Philip, who succeeded him in 1716, was a yet more bigoted catholic than he. His persecution of his protestant subjects and his rival candidature for the Juliers and Berg succession brought him into violent collision with Frederick William I of Prussia. Religion and politics, therefore, combined to place him on the emperor's side. George I did not venture even to invite him to join his Hanover alliance. And disputes with Bavaria were gradually settled. He and his brother of Treves had their quarrels with their Wittelsbach cousins, but also their reconciliations, and on the whole a general family alliance. Charles Philip gave in his adhesion to Austria in 1726 at the same time that did Charles Albert of Bavaria.

The other leading prince of southern Germany, the duke of Würtemberg, had too much trouble with the free nobles and knights and towns of his country to play much part in major contentions. He may be mentioned with other protestant princes, as those of Saxe-Gotha, Hesse-Darmstadt, Baden-Durlach, as one whom George I was anxious to gain. Success with him depended mainly on money and on French concession of his claims in Montbéliard.

Turning to Saxony, Augustus of Poland followed his

own treacherous, inconstant lines. He could offer help at one time to France, at another to Austria, could treat with Russia or intrigue against her, could threaten attack on Prussia or propose at Berlin partition of Poland. Religious conviction influenced him not at all. His conversion to Rome was purely political, he continued to head the Protestant Body in the diet and allowed his subjects to worship as they pleased. He was of no fixed party in the empire, for none could trust him; on the whole, his interests required amity with Austria.

In the north old landgrave Charles of Hesse-Cassel, like so many others, had to shape his politics on his necessities. He had not only himself to support, but also his penniless son, the king of Sweden, and his grandson, the young prince of Nassau-Friesland, the latter in his law-suit with Prussia about the Orange inheritance and in his prospects in Holland. Although the landgrave had done good service in the wars with France, in 1716 the Regent Orleans could credit him with hereditary friendly sentiments towards that crown; so, at least, he instructed the Count de Gergy, going to Ratisbon, ordering him to omit nothing to assure the landgrave of Louis XV's great regard for and willingness to protect him. At the end of 1725, on the other hand, when Count Seckendorf came to Cassel to sound his views, the landgrave declared complete and long-standing confidence in the emperor, complaining, however, that his services had gone unrequited and that his late offer of 10,000 good troops still stayed for answer. In fact, he was open to purchase, and George I found means to buy him in spite of his antipathy to Prussia. The price was £125,000 of British money for 12,000 soldiers to be kept at call. Of that sum, by a second and secret convention, £50,000 were allocated to meet the king of Sweden's debts.

Hanover in the first years of the eighteenth century was the equal and rival of Prussia. It was a state of late recreation. Ernest Augustus, the father of George I, had compacted with his elder brother, George William of Celle,

the union of the territories of Brunswick-Lüneburg, had instituted the law of primogeniture to prevent their redivision, and had dignified them by an electorate. George I, ruler of the whole from 1705, added to them the Swedish lands of Bremen and Verden. Their soil was for the most part fertile, the people industrious; the pastures raised a famous breed of horses and sheep whose wool competed in its products with those of England. Excise and the minerals of the Hartz provided George with revenues which he husbanded with strict economy.

During the French war he had been the staunchest adversary of Louis XIV. He declined to make his peace at Utrecht and held on with the emperor to the bitter end. After that the politics of Hanover became subordinate to those of England. True, that George utilised the British quarrel with Charles XII to promote his German interests, but it was his British ministers who forced upon Sweden and Prussia their treaties with Hanover in 1719. Sweden only consented to give up Bremen and Verden in return for British help against Russia. As for Prussia, the treaty was hardly signed when Frederick William I, in one of his outbursts of rage, declared the delight it would afford him to see a few Hanoverian villages in flames. The sentiment was reciprocated, but Hanoverian jealousy had to give way to the superior interests of England. It was not long before Frederick William placed Prussia in a position to disregard what Hanover might do or say.

The dominions which from 1701 were designated by the name of Prussia were of triple division. Joined with the electorate of Brandenburg, a country poorly endowed by nature, were Cleves and other rich possessions in Westphalia and in the east the foreign duchy of Prussia, a savage land still but with important harbours on the Baltic. Elector Frederick III succeeded in getting the duchy made a kingdom and gave its name to cover all his territories. But the nucleus of the whole remained the electorate of Brandenburg.

The founder of modern Prussia was his father, the Great Elector. By years of hard work, of craft and energy, he crushed independent privilege in his dominions and unified them under his own absolute authority, as snow may be crushed into a block of solid ice. He based his power on a strong standing army and on economic order. I must not stay to recount how he repeopled his wasted lands, fostered industries and agriculture, joined Elbe and Oder by a profitable waterway, nor how he hired a navy and planted colonies on foreign shores. Those ambitions failed, to be pursued once more and carried into effect in our day by the present Kaiser.

The contemporaries of George I were the Great Elector's son, Frederick, first king in Prussia, and his strange and strenuous grandson, Frederick William I. In accordance with what has become tradition in the house of Hohenzollern each differed totally in character from his father. Frederick I cared more for the pomp of power than its substance. He wasted money on display and preferred flattery to good counsel, ease to hard work. Yet in spite of the corrupt and careless government of the Wartenbergs much was done in his time in economic and educational progress. We have noticed his work for religious toleration and reform and must further recall his liberal patronage of literature, arts and science. It was he who in 1700 founded the Academy of Sciences at Berlin and made Leibnitz its first president. Industries benefited by a fresh influx of French protestants. And the royal title, which cost him so much, was no vain thing ; it brought to public notice the fact that the elector of Brandenburg was an independent foreign potentate as well as a German prince, and it gave him precedence among his fellows in an age when precedence and ceremony were matters of the first importance. Moreover, he cared for his army, increased its numbers, and sent his soldiers forth to gather fresh laurels on the Rhine, in Italy and in the Netherlands. But his allies paid for them, and want of money obliged him to forgo ambitions in the east, the

prospect of adding Ermeland and Elbing to his royal province by joining in the northern war.

Frederick William I, acceding in 1713, instantly cast aside all the costly show in which his father had delighted. And not only purveyors of court luxuries found their occupation gone, he would have no time wasted, as he deemed it, on encouragement of art and literature. Nothing imported in his eyes but the direct needs of the army and the state. He set himself from the first to destroy all remaining independence, to perfect his civil government, to fill his treasury, to raise his army to the highest pitch of efficiency. The fifth month from his accession saw his new articles of war, the sixth his edict for regulation of his domains. Pursuing persistently and tirelessly the path he had marked out, he crowned his work in 1723 by uniting the several departments of his government under one central authority, of which he himself was head. The scheme was of his own devising, he drafted it in private with his own hand.

The rules of this institution furnish a good example of his system and his arbitrary methods. Every week had its set day for discussion of the business of a particular department of state by their heads in collective council. They reported their conclusions to the king, who finally decided. To quote Erdmannsdörffer :

> 'The sittings began in summer at seven, in winter at eight, and lasted, if required, till six in the evening, for at each the business of the week had to be disposed of. If any came an hour late, he was fined 100 ducats ; if absent altogether without sufficient excuse, he lost six months' pay ; on repetition of the offence he was cashiered.'

In foreign policy Frederick William showed none of the resolve that marked his domestic labours. His army, the weapon he so carefully tempered and sharpened, he kept solely for defence. His only military enterprise was to help the Danes in 1715 to win Stralsund. His only gains of territory were Upper Guelders, which came to him at the peace of Utrecht, and the portion of Pomerania which

George I forced Sweden to cede to him. He had other delectable acquisitions in view, the rest of Pomerania, Juliers and Berg, Courland, portions of Silesia, but he was not prepared to fight for them. Nor would he indulge in projects of colonial expansion, he was too wary to risk friction with the sea-powers. Enough for him to build his continental state on the sure foundation of organised industry and military strength.

One fixed maxim of his in foreign politics was never to make a bargain which did not offer some clear advantage. But having made his compact, if a more inviting prospect offered from elsewhere he would abandon it; hence his established character for vacillation. Wary to a fault, yet ever and anon, attracted by some glittering bait, he would throw caution to the winds, a day or two later bitterly to repent his haste. Arguments of the last speaker swayed him, and men who understood his foibles could take advantage of them and of his varying moods. His ministers for foreign affairs, or diplomatists such as Whitworth or Rottembourg, would win him in the morning, only to find their work undone by his tobacco-cronies of the evening. His treaties with George I at Charlottenburg (1723) and at Hanover (1725) were made on the impulse of the moment and the persuasive reasonings of Townshend. George, who knew his curious nature as well as anyone, held always that coldness towards him made him warm, that advances but made him retreat and ask for more.

His second maxim, from which he never swerved, was never to fall out with Russia. That was because of his outlying royal province and his unprotected eastern frontier. His neighbours in the empire he could brave, and Austria too, but not Russia. His desertion of the alliance of Hanover in 1726 was due before all else to the menace of invasion by Russians and Poles in league with Austria. Thereby he rendered Germany great service, if unintentional, for he made the war that threatened the empire impracticable.

It is not for his foreign policy that Frederick William I

lives in history, but for his constructive work at home. It was he who made his Prussians what they are, who stereotyped in them with the strong hand those habits of unquestioning obedience to authority, of strict performance of duty, of close attention to detail, which nowadays to a great extent have turned from virtues, by excess, to cramping vices. The last whom he spared was himself. He personally saw that everything that he ordained was carried out to the smallest detail. He worked strenuously from dawn till dark, whether at home or travelling from end to end of his dominions on visits of inspection. Like his great son, he held himself to be the first servant of the state, ' equally pledged,' to quote Erdmannsdörffer again, ' to work and responsibility in the highest place as any minister or clerk in his.' Savage were his methods, but they achieved the great purpose of his life, the purpose set forth in his ' Testament ' of 1722. He left Prussia at his death a mighty machine in the hands of a yet stronger master, a ' state of soldiers and officials ' inured each to accept the word of his superior as absolute law. He had nearly doubled his revenues and his coffers overflowed with coin. The army, of which he was so fond, he could pay for himself, although it cost him some three-fourths of his resources. He left it to Frederick the Great the most redoubtable in Europe, in numbers one of the strongest, in drill and equipment the most perfect. The imposing structure which Frederick raised on his foundation collapsed by neglect, but the foundation remained, to sustain again the weight of modern Prussia, that is, of modern Germany.

GERMANY AND THE FRENCH REVOLUTION

By G. P. GOOCH, M.A., F.R.Hist.S.

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DURING the years immediately preceding the French Revolution Germany presented a curious spectacle of political decrepitude and intellectual rejuvenescence. The Holy Roman Empire, of which Voltaire caustically remarked that it was neither holy nor Roman nor an Empire, was afflicted with creeping paralysis. Its wheels continued to revolve; but the machinery was rusty and the output was small. 'No Curtius,' remarked Justus Möser, 'leaps into the abyss for the preservation of the Imperial system.' The prolonged duel between Frederick the Great and Maria Theresa destroyed whatever shadowy sentiment of unity had survived the wars of religion, and the short but stormy reign of Joseph II revealed to the world that the Imperial dignity had sunk into the tool and plaything of the house of Hapsburg. The Fürstenbund formally registered the emergence of a rival claimant for the hegemony of central Europe. But the springtime of Prussian greatness was merely the reflection of her ruler's dazzling personality. Mirabeau, who knew them both, described Frederick as all mind and his nephew all body. His death left Germany without a leader or a hero. Among the countless rulers who owed a nominal allegiance to the Emperor a few men of capacity and conscience, such as Ferdinand of Brunswick, Karl August of Weimar and Karl Friedrich of Baden, could be found; but the general level of character and intellect was low, and the scandals of courts and courtiers provoked disgust and indignation. The most docile people in Europe watched with impotent despair the orgies of the last Elector of Bavaria, the capricious tyranny of Karl

Eugen of Württemberg, the insanity of Duke Karl of Zweibrücken, and the Byzantine decadence of the ecclesiastical Electors on the Rhine. On the eve of the Revolution the larger part of Germany was poor, ignorant, ill-governed and discontented.

While political life was thus backward and anæmic, a vigorous intellectual activity, which began about the middle of the century, held out the promise of better days. Goethe records in his autobiography how the victories of Frederick gave food to patriots and a theme to poets. Lessing and his friends Moses Mendelssohn and Nicolai exhorted their countrymen to use their reason, and still deeper notes were struck by Kant and Herder. In pure literature Lessing, Klopstock and Wieland, followed a few years later by Goethe and Schiller, Lenz and Klinger, poured forth a profusion of poems and essays, novels and plays, which created and delighted a reading public. The new interest in things of the mind was further stimulated by a rich crop of journals devoted to literature and art, society and morals. In the generation before the Revolution Germany learned to read and began to ask questions.

Though the German mind was fermenting with new ideas, its political education would have made but little progress but for the impact of certain foreign influences. The writings of Rousseau took the country by storm. ' His influence was immense,' records Niebuhr, ' far greater than that of Voltaire. He was the hero of most clever people in my youth.' Kant forgot his daily walk over a new volume. Lenz placed his statue beside Shakspere. Adam Lux composed his own epitaph with the words ' Here lies a disciple of Jean Jacques Rousseau.' Nowhere did the teachings of ' Émile ' find disciples so earnest as Basedow and Campe. The ' Nouvelle Héloïse ' sowed the seed of Werther and the romantic movement. The ' Contrat Social ' pronounced on some fundamental issues which no German thinker had dared to raise. Jean Jacques became the guide, philosopher and friend of young and old. A second

explosive influence was the American war of independence, in which the sympathy of almost every writer and thinker was unreservedly with the colonists. 'I can't remember anybody in my father's circle on the English side,' wrote Henriette Herz. The traffic in human flesh carried on by the Landgrave of Hesse drew down fierce indignation on his head and on that of his British paymaster; and the establishment of a democratic Republic, free from feudalism and poverty, was hailed as a warning to despotic rulers and an inspiration to downtrodden peoples all over the world. Voices of protest and revolt became louder and more numerous. For twenty years before the Revolution Schlözer, Germany's first political instructor, was the terror of evil-doers in high places, and his journals fearlessly exposed the abuses which disgraced almost every court in the Empire. Moser's famous treatise, 'Der Herr und der Diener' (Master and Servant), savagely castigated the extravagance, the favouritism, and the immorality of the duodecimo tyrants who made the lives of their subjects a perpetual misery. In Württemberg Weckherlin and Schubart echoed their complaints, and the latter rotted in a dungeon for ten years for his pains. A subtler challenge came from the Masonic movement. The suppression of the Illuminati in Bavaria in 1784 dispersed them over the Empire; and the doctrines of Weishaupt and Knigge that kings were out of date and nobility the tool of despotism were discussed with ardour behind closed doors and shuttered windows. But though Germany was thus beginning to find her voice, she required a shock from without to become articulate. In 1789 her Intellectuals, educated into rationalism by the Aufklärung, were ready to welcome a message of emancipation from the pioneers of thought and to apply its lessons to the wounds of the Fatherland.

The opening scenes of the Revolution were watched with delight by most of the spokesmen of German opinion, and its principles were hailed as a gospel of good tidings alike by the bourgeois and the artisan, by the scholar and

the peasant. The Declaration of the Rights of Man put into words the muffled aspirations of the masses all over Europe, and gave to the humble and the disinherited a new sense of human dignity. When France in trumpet tones decreed the downfall of feudalism, proclaimed the equality of burdens, and declared every man possessed of certain inalienable rights, generous hearts were thrilled by the warmth and glory of the sunrise. Schlözer remarked that the angels must be singing Te Deums in heaven. Johannes Müller, the historian of Switzerland's struggles for freedom, declared that a cancer could not be healed by rosewater, and pronounced the destruction of the Bastille the happiest event since the birth of Christ. Many a Sultan in the Empire, he hoped, would tremble, and many an oligarchy learn that there were limits to human endurance. Klopstock, the Nestor of German literature, regretted that he had not a hundred voices to celebrate the birth of liberty, and described the Rights of Man as practical Christianity. 'It is glorious,' cried Georg Forster, 'to see what philosophy has ripened in the brain and realised in the State.' Campe, the Brunswick pedagogue, hurried across the Rhine, and wrote home to ask incredulously whether the Greeks and Romans he saw around him had been Frenchmen but a few weeks ago. Anacharsis Clootz, a Prussian nobleman, led thirty-six foreigners, representing the human race, to the bar of the Assembly ; and a German Legion was formed of volunteers on French soil. Wieland and Schubart, Bürger and Voss, Richter and Hölderlin, Herder and the Stolbergs loudly expressed their joy. In the wealthy city of Hamburg Reimarus, Sieveking and other leaders of culture and commerce sought relief for their emotions in odes and banquets. In the schools and universities enthusiasm was universal. ' I love the Revolution,' wrote Schleiermacher to his father. Hegel and Schelling declaimed the principles of '89 at Tübingen, and Georg Kerner burned his family's patent of nobility.

> ' Bliss was it in that dawn to be alive,
> But to be young was very heaven.

The journals of Archenholtz and Nicolai declared their approval, and in the crowded salons of Henriette Herz and Rahel Levin at Berlin there was but one note. Gentz, their most brilliant ornament, declared that mankind had awakened from its long sleep, and that the Revolution was the first practical triumph of philosophy. The weightiest vote in Germany, that of Immanuel Kant, was cast on the same side. Hertzberg's political orations in the Berlin Academy earned him the title of ' the democrat ' from his royal master, and Prince Henry, the eldest surviving brother of Frederick the Great, announced that his life-long admiration for France was unchanged.

The favourable reception which ' French ideas ' owed to their intrinsic merit was enhanced by the appearance of the first batches of Émigrés on the Rhine. Though welcomed by the ecclesiastical Electors and provided with every luxury, the citizens of Coblenz and Mainz watched their arrogance and their immoralities with loathing indignation. Each haughty aristocrat seemed a fresh argument for the necessity and utility of the Revolution. One evening some half-drunk Frenchmen met Lombard, the secretary of the King of Prussia, in a street of Coblenz, and called out ' I bet he is a democrat.' ' Gentlemen,' replied Lombard, ' I shall soon be one if all aristocrats are like you.' The detestation which they aroused was intensified by the disparaging tone in which many of them spoke of the sovereigns whom they had deserted.

Enthusiasm for the Revolution, however, though general, was never universal even among those who had no privileges to lose or private interests to defend. Justus Möser, the historian of Osnabrück, Gleim, the herald of Frederick's victories, and Carsten Niebuhr, the explorer, were filled with apprehension from the beginning. A few younger men such as Metternich, Jacobi the philosopher, and Barthold Niebuhr, shared the opinions of their elders, and Spittler caustically remarked that the decrees of August 4 could never have been passed in broad daylight. But the first reasoned opposition to what were called

' French principles ' came from Hanover, and was directly traceable to the connection of the Electorate with England. Rehberg and Brandes were voices crying in the wilderness when they began to attack the philosophic system on which the Revolution rested. Rehberg, the deeper thinker of the two and a close friend of Stein, had known Burke in London, and he expounded his views before the ' Reflections ' were published. He regarded the uprising of France quite coolly, without admiration or terror ; and his shafts were aimed not at the excesses of the leaders but at their metaphysics, above all at the conception of Natural Law, which claimed to override existing conditions and historical rights. He fully realised the need of sweeping changes in France, and desired to see a free constitution and a national polity based on law ; but he believed that all necessary reforms could have been effected within the framework of existing institutions. A revolutionary body was bound to fail both in its destructive and its constructive work. A golden opportunity had been lost to introduce the English constitution, which, though largely the child of accident, was better than abstract theory could produce. ' Age, habit and experience,' he declares solemnly, ' form the foundation of all political arrangements and all satisfactory administration.' It was the first time that a German publicist boldly opposed organic development to theoretical construction. The historical school of politics, which was to receive its charter a generation later from Savigny, traces its origin to Rehberg, who in turn derived his weapons from the armoury of Burke.

A more brilliant though less faithful disciple was Gentz, the most eloquent and persistent enemy of the Revolution and the strongest claimant to the title of the German Burke. Like other young men of his generation he had worshipped at the shrine of Rousseau, and he welcomed the Revolution as a realisation of his ideal of a State based on reason and right. ' The spirit of the time is strong within me,' he wrote. ' I am young, and the universal striving for freedom arouses

my warmest sympathy.' A year later he describes the news from Paris as ' folly and chaos,' but refuses to attribute it to false principles.

' I should regard the shipwreck of this movement as one of the greatest disasters that ever befell mankind. It is our hope and comfort in face of so many hoary evils which, if it failed, would return ten times more incurable. It would be felt that men were happy only as slaves, and every tyrant, great and small, would revenge himself for the fright the French nation had given him.'

He was shaken but not converted by reading the ' Reflections ' in the spring of 1791 ; but the next few months were decisive. At the end of 1792, when Burke's worst apprehensions had been realised, he published a translation with a frank and almost despairing Preface. Why, he asks, should the greater part of Europe sympathise with France ? He replies that the champion of new systems has emotion on his side, while the defender of old ones must appeal to reason ; and emotions determine political judgment. As most men are miserable and discontented, a secret longing for revolutions is unquenchable in the human breast. No reasoning can banish the hope that a new order will inaugurate better times, and no disappointments in former upheavals will diminish the confidence inspired by the drama in progress.

' The true life-blood of all great revolutions is the combined appeal to the poor and the ambitious. . . . The love of independence is instinctive, while all rule is limitation and obedience is a burden. An universal fury of revolution has seized upon Europe, and to outcry the thunderstorm a man must speak with a voice of thunder.'

It is from this standpoint, he declares, that Burke's overwhelming utterance must be judged. ' France,' he concludes, ' will gallop from catastrophe to catastrophe, and provide Europe with a warning against political frivolity and fanaticism.'

Such passionate eloquence was new to Germany, and Gentz returned to the charge again and again.

'Where the silvery tones of freedom are heard,' he cries in his tract on Political Liberty, 'every ear listens and every heart begins to beat. Peoples who possess this talisman look down on those who lack it, and it nerves them to undertakings that seemed far beyond their powers. When deeply corrupted peoples are seized by the passion, one of the most terrible of diseases attacks them. With small bands they drive great armies before them. Thrones fall before their thunderous cries, the edifice of social order collapses, the mind of the nation is darkened. Every human feeling is stifled by the fanaticism of liberty.'

Some years later, in a book on the Origin and Character of the War against the Revolution, he boldly declares that the Powers should have attacked France after the march of the women to Versailles, in order to stifle the Revolution in its cradle. It is not surprising that such a man lived to become secretary to the Congress of Vienna and the confidential adviser of Metternich.

Another brilliant young Prussian, an intimate friend of Gentz, discussed the earthquake in a far cooler spirit. Wilhelm von Humboldt was among the earliest visitors to Paris after the fall of the Bastille ; but though accompanied by his tutor Campe, who was as delighted as a child with a new toy, he refused to swallow the Revolution at a gulp. Having escaped the intoxication of hope he found it easier to resist the shocks of disillusion. His reflections were expressed in an essay suggested by the constitution of 1791. One simple fact, he begins, affords all the necessary data for an investigation, namely that the Assembly undertook to construct a wholly new edifice according to the principles of reason. No constitution can succeed which is framed by reason according to a pre-arranged plan, but only that which issues from the conflict of circumstance with reason. 'I accept for the moment this new constitution as practicable, but I say that it cannot bear fruit.' Where is the link which unites the old and the new ? Who is inventive enough to

weave them together? If human work is to succeed it must spring from within, not be imposed from without. Every creation needs a corresponding power of acceptance and assimilation. But is the French nation sufficiently prepared to accept the new instrument of government? He answers that no people will ever be ripe for a constitution built on the pure principles of reason. The wise legislator only modifies existing tendencies and contents himself with drawing a few steps nearer to perfection. Nothing but disaster can occur when the State seeks to secure advantages not one at a time but all at once. Yet it was natural, perhaps inevitable, that a nation which had suffered from the extreme of autocracy should plunge madly into its opposite. The constitution was not likely to endure; but it would clarify ideas, stimulate virtues, and so spread its blessing beyond the frontiers of France. It would confirm the experience of history that the benefit of movements is felt less at the point of departure than in the far distances of time and place. In any given period only one spark of the lamp of humanity burns bright, while the rest glows dimly, awaiting its turn.

It is difficult to believe that this matured, balanced utterance, with its firm lines and its faultless perspective, was the work of a young man of twenty-four; but Humboldt, like Niebuhr, was a scholar and a thinker when his contemporaries were still in the class-room. The essay attracted the attention of Dalberg, who exhorted him to pass from criticism to construction and to explain his ideal of government. He adopted the suggestion and produced his celebrated treatise, 'The Limits of State Action,' which is at once the German equivalent of Mill 'On Liberty' and a further definition of his attitude towards the Revolution. The question as to who should govern is far less important, he declares, than the problem of what a government should do. Constitutions are only machinery for ministering to the needs and developing the capacities of the individual. While France was demanding liberty for a nation, Humboldt pleads

for freedom for himself. To the champions of autocracy and democracy alike he replies that as civilisation advances there is less need of government, and its form becomes a matter of secondary importance. The ancien régime made no effort to secure the well-being of its citizens ; but the new régime, with the best intentions in the world, will meet with no better success. For the efforts of the State to promote welfare are not only useless but harmful, since they suppress spontaneity and discourage energy. Thus the friends and enemies of the Revolution are coolly informed that they are fighting about shadows and forgetting the substance. Such ethereal individualism looks doctrinaire enough ; but beneath the marble surface of his argument we catch his detestation of the cramping paternalism of the Prussian State. No French or German idealist was more profoundly convinced than the cool-headed Prussian nobleman of the capacity of man to rise to undreamed of heights when the fetters of tyranny and custom were struck off his limbs.

Humboldt's writings and conversation exerted a profound influence on the mental development of his most intimate friend. If the Revolution had begun a few years earlier or Schiller been born a few years later, he would have been one of its most whole-hearted partisans. His boyish drama 'The Robbers' breathed the very gospel of romantic revolt. 'The Conspiracy of Fieschi' exalted the republican ideal. 'Love and Intrigue' unveiled the hideous sores which festered in the petty German courts. In 'Don Carlos' Posa gave utterance to the golden aspirations which were the common property of young and generous spirits of the later decades of the eighteenth century. But at this point, on the very eve of the Revolution, his development underwent a change. Appointed Professor of History at Jena he laid aside dramatic composition, buried himself in the study of the past, and emerged from his period of Sturm und Drang.

Though the French Assembly conferred citizenship on the author of 'The Robbers,' Schiller was less excited by the eruption of the Parisian volcano than most of his con-

temporaries, and his correspondence contains singularly few references to that moving drama of blood and tears. With the establishment of the Republic his interest increased, and he began to study the debates in the 'Moniteur.' When the king's life was threatened, he for the first time desired to take public part in the great debate which had reverberated through Europe for more than three years. 'I can hardly resist the temptation to mix myself up in the case of the king,' he wrote to his bosom friend Körner on December 21, 1792. 'A German writer who expresses himself with freedom and eloquence might very possibly make some impression on those aimless heads.' Though Körner replied that he feared such an effort was useless, Schiller set to work on his plea for the king; but before it was finished Louis was no more. 'There it lies before me,' he wrote after learning the terrible news. 'I no longer read the French papers, so disgusted am I with these odious butchers.'

The execution of the French monarch destroyed any lingering hopes that the world could be reformed by force. In a long letter to his Maecenas, the Duke of Augustenburg, written in the summer of 1793, he defends his occupation with aesthetic problems on the ground that the Revolution has failed to carry out its programme.

'If legislation were really entrusted to reason, the individual respected, law enthroned and true liberty made the foundation of the State, I would bid eternal farewell to the Muses. But I am so far from believing in a regeneration in the field of politics that events have robbed me of all hope for centuries. Before these events one could flatter oneself with the beautiful dream that the steady influence of thinkers, the seeds of truth planted during centuries, the accumulated store of human experience had attuned men to the reception of the higher life and prepared an era when light would triumph over darkness. Nothing seemed lacking but the signal. It has sounded; but with what result? The moment was most favourable, but it found a corrupt generation. The use made by France of this great gift of chance shows indubitably that the human race has not yet come of age. We see only lawless instincts which hasten to their bestial

satisfaction when the restraints of society are removed. They were not free men oppressed by the State, as they pretended, but wild beasts. Any attempt to reform the State according to principles is in my eyes premature till the character of man is raised. Political and civic freedom remains for ever the holiest of possessions, the supreme goal of every effort; but this glorious edifice can only be built upon the sure foundation of ennobled character. We must make citizens before we present them with a constitution.'

How the race was to be fitted for the privilege of liberty he proceeded to explain in the 'Letters on the Aesthetic Education of Man,' to which he turned his attention when silenced by the horrors and disappointments of the French millennium.

The position reached by Schiller after storms and tribulations was that which Goethe had occupied from the first. He had sown his wild oats in 'Götz' and 'Werther,' and had long since convinced himself that order is heaven's first law. His decade of administrative activity at Weimar had impressed him with the value of reforms carried out without fuss or controversy, and his recent sojourn in Italy strengthened his preference for harmony and measure. He had outgrown romanticism, and was firmly persuaded that man must think with his brain, not with his emotions. Intellectual clearness, defined activity, discipline of mind and soul,—such was his prescription alike for individuals and nations.

The common notion that Goethe lacked interest in events and buried himself in art, literature, and science is without foundation. If the charge of political indifference may be urged against him in the years of Napoleonic domination, it certainly cannot be sustained for the period which preceded it.

'Hardly had I settled afresh into the life of Weimar,' he writes in his Annals, 'than the French Revolution claimed the attention of the world. As early as 1785 the episode of the Diamond Necklace had made an ineffaceable impression on me. Out of the bottomless abyss here disclosed of immorality in city, court and state, there emerged the most horrible apparitions, which

long continued to haunt me. My behaviour was so affected that the friends with whom I was living when the news arrived confessed long after that I appeared like one demented. Indeed it stared at me like the Gorgon's head.'

When the apparitions assumed material form a year or two later in anarchy and outrage, Goethe threw the story into dramatic form. The 'Gross-Cophta' was produced at Weimar in 1791, but its repulsive subject impeded its success. It is a powerful study of a corrupt society, and the picture of Cagliostro, an artist in imposture, who directs his appeal to the higher as well as the lower instincts of his dupes, is a masterpiece.

When the Great War broke out Goethe accepted an invitation to accompany the Grand Duke of Weimar into the field. 'The Campaign in France,' compiled long after from his letters and notebooks, is not only a valuable contribution to history, but a document of rare importance for the comprehension of his political attitude. The reader's first impression is that of horror at the sufferings of the troops; but he will also note the moderation and equity of judgment. There is not a word of recrimination against a nation whose sufferings from the inevitable horrors of war provoke his lively sympathy. As he remarked many years later, he owed too much to France ever to hate her. And further the man who declared on the evening after Valmy that a new era of world history had begun that day cannot be accused of total blindness to the significance of the times.

In the following spring, when he had recovered from the hardships of the campaign, Goethe composed his bright little one-act play, 'The Civilian-General.' The French were planted on the Rhine, and fears were widely entertained lest their emissaries should set Germany ablaze. George and Rose, a newly-wedded peasant couple, are happy and content in their tranquil activity; but Martin, Rose's father, who lives with them, pores over the papers and has caught the Jacobin fever. Schnaps, the clever

villain of the piece, brings the uniform of a dead French prisoner with his red cap and his tricolour and cockade, and tells the old man that he has received a commission as Civilian-General for the French Republic. He adds that the German Revolution must begin at once and in that village, and illustrates its principles by the removal of eatables from the cupboard. The rogue is quickly discovered, and the play concludes with a homily by the landlord. Let George and Rose continue to love each other and to cultivate their fields; for if each begins with himself he will find plenty to do and will thus contribute most effectively to the good of all. The philosophy of the author is a little naive, perhaps, but it is held and expressed with deep conviction.

Two years later Goethe sketched a more ambitious treatment of a similar problem in his unfinished drama 'Die Aufgeregten.' A village has been wronged by a deceased Count and the fraud of a steward. The grandfather of the present Count, who is a child, restored the privileges, but the charter disappeared. The father therefore revived the harsh dues, and his kind-hearted widow hesitates to diminish the rights of her son. At this point the French Revolution begins, and the Countess returns from a visit to Paris determined to see justice done. During her absence the village doctor spends his leisure reading the papers and forming plans for establishing by force the claims of the peasantry. The revolt begins, but a tragedy is averted. The chief councillor of the Countess applauds her resolve, and at the critical moment her daughter by threats secures the discovery of the missing charter which was hidden in the castle. As in 'The Civilian-General,' the nobility show to advantage and the peasants are presented as brainless children; but the heritage of injustice is recognised, and the moral is drawn that abuses should be put right without waiting for a revolt.

His fourth revolutionary play, 'The Natural Daughter,' was the first and only instalment of a trilogy in which he

intended to embody his views of the movement as a whole. Its subject is the monarchy crumbling into anarchy. The heroine is connected with the Court by her birth and with the people by a bourgeois marriage. The author once more reveals his genuine sympathy with simple folk; but the figures are types rather than individuals, and the action appears as if it were taking place at a considerable distance. Indeed none of Goethe's didactic dramas compare in dramatic effect with Iffland's 'Cockades.' Far more concrete and far more impressive is the exquisite idyll of 'Hermann and Dorothea,' in which the background is filled with the wild surge of the Revolutionary wars and the foreground with peaceful labour, love and hope. Goethe's lot was cast in pleasant places, and he failed to understand the type of mind which resolves to overthrow the citadel of wrong even at the risk of being buried in the ruins. He compared the Revolution to the Lutheran revolt, which threw back the quiet processes of culture. As Erasmus had watched with dismay the Peasants' Revolt, the religious wars and the frenzy of the Anabaptists, so Goethe was confirmed in his conviction that short cuts to the millennium are the longest way round.

Philosophic detachment was not the universal attitude in the Weimar circle. Knebel, once the tutor of Karl August, was an outspoken radical, and the first ecclesiastic in the State made no secret of his sympathy. Herder quickly realised that the Revolution was the most important movement in the life of mankind since the Reformation, and he welcomed it as a no less decisive step towards human freedom. The Reformation had thrown off the yoke of the Papacy, and the Revolution would liberate Europe from feudalism. Fetter after fetter must be struck in pieces till man could unfold his powers and grow to his full stature. To such a mind the abolition of privileges and exemptions, the declaration of the Rights of Man, and the establishment of a constitution were like sparkling wine. His conversation and even his sermons became

political, to the horror of his friend and pupil, the Grand Duchess of Weimar. 'Herder,' wrote Louise to Frau von Stein in 1790, 'admits the necessity of different classes, but reproaches people of high rank with their mass of innate prejudices.' In a baptismal address in the summer of 1792 he spoke a language rarely heard in German courts. 'The prince,' he declared, 'is born at a critical time for his class. In contrast with the flattery which made princes gods he will now have the opportunity of showing himself worthy of his privileged birth by his own virtues.' The creation of the Republic failed to shake him, and he explained the September massacres by the Brunswick manifesto. Armed intervention aroused his wrath, and he pronounced the French resistance the first example of a just and holy war. Though he had urged the cleaning of the French throne, the execution of the King was a staggering blow; but he retained his conviction that the seed which had been sown would in its own time ripen into harvest. Goethe told his old friend to thank God that he was not provided with the opportunities of committing follies on a grand scale. The rebuke was unmerited, for he never lost his head. The 'Letters on the Advancement of Humanity' are the work of a philosophic evolutionist, not of a dancing dervish. 'We can watch the French Revolution,' he declared, 'as one watches a shipwreck from the shore.' No German of his time was more thankful that the great experiment was carried out on the soil of another country.

Of all the members of the Weimar circle none followed the Revolution from beginning to end with such unfailing attention as Wieland, and no one expressed his opinion on its changing scenes so frequently and in such detail. The German Voltaire rejoiced at the downfall of the old régime in Church and State both as a cosmopolitan and a political rationalist. By temperament and conviction an apostle of the Juste Milieu, he hated extremes and distrusted emotion. The essays and dialogues, published

in his paper, the 'Mercury,' the trusted guide of the educated bourgeoisie, faithfully reflect the stages through which disinterested opinion passed from the meeting of the States-General till the arrival of Napoleon.

In an address to the Assembly written after the march of women to Versailles, Wieland expressed his agreement with the principles of '89, but hints his doubts as to their application.

'You cannot be more convinced than I that your nation was wrong to bear such misgovernment so long; that every people has an indefeasible right to as much liberty as can co-exist with order; that the person and property of every citizen must be secured against the caprices of power, and that each must be taxed in proportion to his wealth. You are right to combat the despotism of the crown and aristocracy; but one may doubt a little if a kingdom, so long one of the mightiest of monarchies, can change into or flourish as a democracy.'

In the following summer, when the new constitution began to appear in outline, he lamented that the English model had been rejected. The Monarchy, the nobility and the Church should have been retained and reformed. The reduction of the royal power to a shadow broke up the unity of the nation and handed it over to the tender mercies of warring factions. His hopes were centred in Mirabeau, and his death seemed to signal the approach of doom.

When the Monarchy fell Wieland declared that Paris would rule the country and that no true Republic could arise. French democracy was a premature birth; yet the world was not standing still. In his 'Reflections on the State of the Fatherland,' written in the month of the king's execution, he issues a ringing challenge to the rising tide of reaction. Europe, he cries, has attained its majority. It no longer allows itself to be sent to sleep by tales and lullabies. Even the lowest classes know their own interests too clearly to be bewitched by magic formulas. Abuses and tyrannies once borne with sighs and grumblings are now felt to be intolerable. People begin to believe that they can help themselves. The Revolution has thrown

into circulation not only many fallacies, but many truths of the highest importance, which were previously the esoteric doctrine of a little band of initiates. The Aufklärung has gained more ground in the four years since the meeting of the States-General than in the half-century preceding it. Despotic measures cannot arrest its progress. The kingdom of deception is at an end, and reason alone can heal the evils which its abuse has caused. But Wieland is never so happy as when he is trimming the balance, and he goes on to pour scorn on the votaries of the new religion who worship the goddesses of liberty and equality and suffer no other. Senseless maxims like that of St. Just's, Monarchy is a crime against nature, were being spread in Germany with the zeal of apostles, and in many parts were greedily swallowed by youth. If Germany had been in the same condition as France under the old régime, her people would not have been a mere spectator. 'The tranquillity we enjoy shows the steadiness and sense of a nation which was not intoxicated by the triumph of liberty and equality and realised the immeasurable evils of anarchy.' A few months later, in the full flood of the Terror, he declares that mankind can only be happier by becoming more reasonable and more moral. 'My eternal refrain is that reform must begin not with constitutions but with the individual. The conditions of happiness are in our own hands.' It is the message of Humboldt, Goethe and Schiller; indeed it may be described as the Weimar gospel, put forth in reply to the strident trumpetings of the Jacobin club.

A very different note was struck in distant Königsberg. Kant's interest in politics began with the revolt of the American colonies, the efforts of which he followed with the liveliest sympathy. Every movement towards liberty commanded his support. His famous pupil, Schön, used to recall his master's saying, 'My whole being shudders when I think of serfdom.' The outbreak of the French Revolution filled the aged philosopher with delight.

'It was his sincere conviction,' writes a pupil, 'that all men have by nature the same rights. The problem was to strive for a new organisation to be substituted for the caprice of a ruler and to guarantee equal rights and liberty. With these ideals you can imagine how his attention was strained when a great civilised people set about their realisation. He was so anxious for the papers at critical moments that he would have gone miles to meet the post. His talk lost something of its variety, for the great event occupied him so closely that he always turned the conversation towards politics.'

A brother Professor testifies to the fearlessness with which he championed the Revolution against all comers.

'There was a time in Königsberg,' he adds, 'when everybody who had a word to say for it was entered in the black books of the authorities as a Jacobin; but he refused to be frightened, and he commanded such respect that he was left in peace.'

From the beginning Kant foresaw that the path would be stony, and he refused to discard the principles of '89 even when violence and outrage became common. In his book on Religion, published soon after the execution of the King, he challenged the contention that the French people were not ripe for liberty. Only they can become ripe for liberty, he retorts, who are first set at liberty. 'One must be free in order to learn how wisely to use one's powers. The first attempt will, of course, be imperfect, but experience will show the way; for God has created mankind for freedom.' In the autumn of the same year 1793, in his 'Theory and Practice,' he fearlessly pronounced the liberty and equality of every citizen to be the foundation of a rational political organisation. He opposed the attempt of the Great Powers to suppress the Revolution by force, and he rejoiced when his own State withdrew from the war. It was at this moment that he published his golden treatise on 'Perpetual Peace,' in which he contends that all States must become republican, that is must possess constitutional government, and that only by a federation of free States can wars be prevented. Thus he seizes on self-

government, the central idea of the Revolution, and rears upon it the still loftier ideal of an international organisation. No German of his time surpassed Kant in his robust and reasoned belief in human nature.

His last declaration was made in a little treatise of 1798 on the 'Strife of the Faculties.' He asks whether the race is progressing, and answers in the affirmative, pointing to the wide support of the Revolution in proof of the moral tendency of the race.

> 'The uprising of a clever people which we have witnessed may succeed or fail, and may be so filled with misery and cruelties that a man would not repeat it if he could; yet it finds in all onlookers a sympathy which borders on enthusiasm and is moral in its nature.'

For a nation has the right not to be hindered by other Powers in providing itself with a constitution. Human beings cannot be satisfied with the enjoyment of the mere amenities of life like the animals, but must demand a government in which they share in the making of laws. The Revolution has revealed an aptitude in human nature such as no politician has been able to create and which only freedom and nature in combination can produce. Even if the goal were not to be reached at once, if the revolution or the reform of the constitution failed and everything was re-established, its force would not be lost. For the event is too great, too intertwined with the interest of humanity and too widely spread in its influence, not to be recalled when favouring circumstances recur and provoke to new attempts. Gazing out over a world in ruins, among which revolutionaries and counter-revolutionaries struggled madly for mastery, Kant perceived on the distant horizon the dawn of a wiser and happier age.

When the Revolution began, Kant was the undisputed head of German philosophy; but the personality and eloquence of Fichte rapidly raised him to a position of scarcely less authority. Attracted to politics by the

dying convulsions of the French monarchy, he made his début as a publicist in 1793 with a pamphlet entitled 'A Demand for Freedom of Thought presented to the Princes of Europe who have hitherto suppressed it.' In scathing terms, such as Germany never heard before the Revolution, he denounces the rulers of his country.

'One of the sources of our misery,' he cries, 'is our exaggerated estimate of these folk. I reckon as virtues all the vices they do not possess, and I thank them for all the evil acts they do not commit. Let us rid ourselves of the notion that it is for the prince to secure our happiness. We shall now dare to ask those who claim to rule us, By what right? If they reply, By inheritance, we rejoin that man cannot be inherited like flocks and herds. He is governed by conscience alone. If he admits any other rule, he sinks to the level of the animals. The prince obtains the whole of his power from his contract with society. It is indecent for thinking men to crawl at the foot of the throne and beg leave to be the doormat of kings. The strength of our rulers lies in the ignorance of their subjects.'

This passionate attack on the despotism and obscurantism of German courts combines Humboldt's cult of the individual with the full-blooded doctrine of the sovereignty of the people newly imported from France.

A longer and less rhetorical treatise appeared in the same year, entitled 'A Contribution to the Formation of a Correct Judgment on the French Revolution.' That great event, declares Fichte, is of importance for the whole of mankind. Now is the time to make the people acquainted with freedom, which he who seeks will surely find. 'Things have become the subject of conversation of which no one had dreamed. Talk of the rights of man, of liberty and equality, of the limits of the royal power, has taken the place of fashions and adventures. We are beginning to learn.' While deprecating violent change he stoutly upholds the right of revolution. As man is or ought to be subject to the moral law alone, every citizen may terminate his share in the contract at his own discretion. The contract freely made may be freely changed. Neither power

nor privileges can be handed down. Man is born with certain inalienable rights, and we are under no obligation to a government or a social system which fails to respect them. If the individual is thus master of himself, how much more is it the right and duty of a whole people to remove all obstacles to the pursuit of a free and lofty existence. These two works, written anonymously during the Terror, represent the high-water mark of academic Jacobinism in Germany.

Our survey of the leaders of German thought has shown that a disinterested welcome was extended to the reform movement beyond the Rhine, and that support was withdrawn when the helm was seized by bloodthirsty fanatics. The enthusiasm aroused by the opening events had scarcely time to produce practical results before it was turned to shuddering horror. Though governing circles and privileged classes were alarmed and a close watch kept on literature and the press, there was never the slightest danger of a sympathetic revolution in what Herder called the land of obedience. France was a unity, with its government concentrated in the Court at Versailles. Germany was a mosaic, a geographical expression, without political or emotional homogeneity, without a capital to organise revolt and without a head at which to strike. 'We have no Paris, no centre, no common goal,' wrote Brandes. 'The Swabian and the Saxon do not know each other. If the Mainzer stirs the Hessian moves against him. Germans will always march to put down Germans.' Moreover while France had created a national tradition of revolt, the German people was celebrated for its docility. In a few districts of Saxony, Silesia and the South-West the peasants rose against feudal oppression; but central Europe has nothing to compare with the conventions and demonstrations which frightened Pitt and his colleagues out of their wits.

Though the influence of the Revolution was peaceful, it was none the less profound. We have already watched

the leaven at work in the field of literature. In the sphere of action we may notice three main results. The first was the destruction of the traditional framework of the country.

> 'Das heilige Römische Reich,
> Wie hält es noch zusammen?'

shouted Goethe's revellers in Auerbach's Keller. The weakness of the Empire in the French war, the withdrawal of Prussia and the north at the height of the struggle, and the collapse of the ecclesiastical Electorates revealed to the world that the sands were running out. When the left bank of the Rhine was annexed to the French Republic, Görres wrote his celebrated obituary:

'On December 30, 1797, at three in the afternoon the Holy Roman Empire, supported by the sacraments, passed away peacefully at Regensburg at the age of 955 in consequence of senile debility and an apoplectic stroke. The deceased was born at Verdun in the year 842, and educated at the court of Charles the Simple and his successors. The young prince was taught piety by the Popes, who canonised him in his lifetime. But his tendency to a sedentary life, combined with zeal for religion, undermined his health. His head became visibly weaker, till at last he went mad in the Crusades. Frequent bleedings and careful diet restored him; but, reduced to a shadow, the invalid tottered through the centuries till violent hæmorrhage occurred in the Thirty Years War. Hardly had he recovered when the French arrived and a stroke put an end to his sufferings. He kept himself unstained by the Aufklärung, and bequeathed the left bank of the Rhine to the French Republic.'

Görres was right. The Empire was not buried till 1806, but it was slain by the Revolution.

The second main result was the impetus to reform in Prussia. The legitimist zeal of Frederick William II, stimulated by his favourite Bischoffswerder, led him to join in war against the Revolution with something like passion; but his fervour gradually cooled, and on his death-bed he whispered to Haugwitz that he had done wrong to intervene.

That opinion was, indeed, very generally shared. In a remarkable memorandum to the King drawn up in 1799 the Duke of Brunswick explained his failures in part by the unpopularity of the struggle. ' Few armies,' he adds, ' can flatter themselves to have been free of secret adherents of the Revolution in their ranks.' His verdict was confirmed by the British Minister, Malmesbury, who reported ' a strong taint of democracy among officers and men and a dislike to the cause for which they ought to be fighting.' Prince Henry led the opposition from the first, and was denounced as Citoyen Henri by his old friend Catherine the Great. The Peace of Basel was hailed with relief. ' When I arrived in Berlin,' wrote Caillard, the French Minister, ' I received an enthusiastic welcome. Indeed I have found no one who does not pretend to have disapproved of the war from the beginning.' The military failures, the financial exhaustion, the squalid immoralities of the Court, the vulgar thaumaturgy of the king and his favourites, the paralysing obscurantism of Wöllner's régime—all these factors combined to arouse discontent. Struensee, the Minister of Finance, Mencken, the grandfather of Bismarck, and other statesmen recognised the necessity of fundamental changes; but so long as Frederick William II lived reform was impossible. The Code of 1794, the work of Carmer and Svarez, left the edifice of feudalism and caste virtually intact. Frederick William III lacked the driving power and indeed the wish to break with tradition. The lesson of Jena was required to convince him that new men and new methods were required, that feudalism must disappear, and that the Prussian State must be rebuilt on modern lines. The work of Stein and Hardenberg was rendered both urgent and possible by Napoleon; but the ideas to which they gave practical shape were in large measure those of 1789. Hardenberg's political inspiration was confessedly French; and even Stein, who preferred English models, was denounced as a Jacobin by Marwitz, the spokesman of the Junkers whose privileges he abolished.

The third main result of the Revolution was to leave a deep and permanent mark on the west and south of Germany. The Rhine Electorates, which ought to have been the bulwarks of the Empire, collapsed at the first assault, and what was called the Pfaffengasse, or Parsons' Lane, was ruled by France for twenty years. The Republic of Mainz, established by Custine in the autumn of 1792, only lived till the temporary recapture of the city in the following summer; but the experiment created extraordinary interest, and the tragic fate of Forster and Adam Lux, its deputies to Paris, has thrown around it something of the halo of romance. The French invaders were never popular, for instead of liberty and fraternity they brought crushing burdens and military rule. Their watchword, 'War on the palaces, peace to the cottages,' was a parrot's cry. But they also swept away a mass of antiquated rubbish. The ecclesiastical principalities disappeared for ever, feudalism was abolished, and the Civil Code reigned supreme. In spite of the horrors of the Revolution and the exploitation of the country by soldiers and officials, French ideas took root. The principle of equality before the law appealed to enlightened autocrats scarcely less than to democrats. Max Joseph, the first King of Bavaria, greeted the French Minister at Munich with the words 'I was born in France and I beg you to regard me as a Frenchman'; and Montgelas, the founder of the modern Bavarian state, had drunk deeply at Parisian springs. Karl Friedrich, the founder of modern Baden, had been the friend and correspondent of the elder Mirabeau and other physiocrats; and even brutal Frederick, the first king and founder of modern Württemberg, adopted the new French view of feudal traditions and rights. For a generation after Waterloo the Liberals of the south and west looked to Paris for their inspiration, as the Liberals of the north looked to Westminster.

Georg Forster expressed a wish that his country would warm itself at the French fire without being burned. His aspiration was shared by a man who was one day destined

to fulfil it. In a remarkable memorandum written during the Terror, Hardenberg reviewed the elements of danger in Germany, and called on the rulers of his country to perform the task of reconstruction which in France had been unwisely left to the Assembly. Though detesting the Revolution, he had learned its lesson. In England the reform movement was thrown back forty years. In Germany, as in Italy, the peremptory challenge awoke the nation from its slumbers and compelled it to think and to act. Its political unification is of yesterday; but its deliverance from the thraldom of mediaeval institutions and ideas was mainly due to the electric spark of the French Revolution.

THE INFLUENCE OF THE WRITINGS OF SIR JOHN FORTESCUE

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To trace the influence of writings is a task in which full attainment is impossible. Yet the attempt is worth making, especially when the writer under consideration was in some sort a pioneer, the first to write a constitutional treatise in the English language, and likewise the first, in all probability, to write a legal treatise for the benefit of English laymen. Few English lawyers can have had so varied a career as that of Sir John Fortescue. Born some time between 1390 and 1400, he lived to see the ' unquiet time ' of Henry IV, the ' victorious acts ' of Henry V, and the ' troublous season ' of Henry VI, which ended in the overthrow of the Lancastrian dynasty, and the apparently firm establishment of the Yorkist line. In early manhood he became a serjeant-at-law ; in 1442 he was made Chief Justice of the King's Bench ; in 1443 he was sent on various special commissions ; in the critical year 1450 he acted as spokesman of the Judges in relation to the trial of Suffolk, and four years later he delivered the Judges' opinion on the important case of Thorpe. During the early stages of the Wars of the Roses Fortescue was actively engaged in various extra-judicial duties ; in 1461 he was present at the battle of Towton, and a few months later he fought against Edward IV at Ryton and Brancepeth. Between 1461 and 1463 he wrote the ' De Natura Legis Naturae ' and various tracts on the succession question, and in 1463 he accompanied Queen Margaret and her son into exile in Flanders and France, where he remained till 1471. During his sojourn abroad he wrote the ' De

Laudibus Legum Angliae,' and drew up memoranda on the political situation and a programme for the restored Lancastrian government. Fortescue took a prominent part in the conclusion of the agreement between Margaret and Warwick in 1470, and accompanied the queen and her son to England, landing at Weymouth on the very day of Warwick's overthrow and death at Barnet. Less than a month later he was taken prisoner at Tewkesbury, and Prince Edward was slain; before long Henry VI also died, and there was nothing before the loyal Lancastrian but to accept the clemency of the conqueror, Edward IV. His pardon passed the Great Seal, he was made a member of the King's Council, and before very long he obtained (1473) the reversal of his attainder and the restoration of his estates at the price—hard for a lawyer to pay—of refuting in writing the arguments he had formerly adduced against Edward's title. An interesting reference to this treatise [1] is made by Coke.

'To the Reader. Fortescue de Laudibus Legum Angliae. This book was written in the reign of Henry VI in commendation of the laws of England, containing withal much excellent matter worthy the reading. He wrote also a book in defence of the title of King Henry VI, his sovereign Lord and Master, to the crown of England; but after, out of truth and conscience retracted the same, both of which I have. Wherein he deserved singular commendation in that he was not amongst the number of those "qui suos amassent errores" but yielded to truth when he found it.' [2]

At some period between 1471 and 1476 Fortescue wrote his constitutional treatise, 'The Governance of England,' or the 'Monarchia'; [3] the last notice of him which has yet

[1] The title is :—'*A Declaration upon Certain Writings sent out of Scotland against the King's title to the realm of England.*' The form is a dialogue between Fortescue and 'a learned man in the law of this land.'

[2] Quoted in Lord Clermont's edition of the *Life and Works of Fortescue*, vol. i. p. 49.

[3] The title given to the treatise in the Yelverton MS., '*Sir John Fortescue on the Governance of England,*' well describes its scope. The first editor, Lord Fortescue of Credan, adopted the title '*The Difference between an Absolute and Limited Monarchy,*' which applies, strictly speaking, to the first part only of the work.

been discovered belongs to 1476; how much longer he lived is not known. The concluding lines of the inscription on his memorial tablet in Ebrington Church, Gloucestershire, say that he lives still in his book 'De Laudibus Legum Angliae.' He has lived yet more securely in the long line of eminent descendants that includes Sir Faithful Fortescue, the royalist commander, Lord Fortescue of Credan, a distinguished eighteenth-century lawyer, and, in our own day, the historian of the British Army.

Such a career as Fortescue's was widely different from that of the ordinary fifteenth-century lawyer. Dr. Holdsworth goes so far as to say that the partisan attitude of Fortescue is almost, if not quite, unique among lawyers; equally unusual was the necessity imposed upon him of demolishing his own arguments respecting the succession. Of greater importance, however, is the rare opportunity afforded to Fortescue by his sojourn in France. Few common lawyers before him could have had such a chance of gaining experience in diplomacy and statesmanship. 'He was at leisure to reflect from the outside upon the condition of his country, and upon its system of law, in the study and administration of which he spent the greater part of his life.'[1] Again, he could write on questions of law and government with that insight which, to quote Clarendon—himself twice exiled in France—'is contracted by the knowledge and course and method of business, and by conversation and familiarity in the inside of courts, and with the most active and eminent persons in the government.'[2] Fortescue's acquaintance with French financial methods and the hardships they involved led him to detest oppression, just as Burnet's sojourn abroad in the days of the dragonnades strengthened his hatred of persecution.

Crude as Fortescue's work may seem to us now after the lapse of five centuries, yet he did undeniably achieve something of value in the comparative study of law and politics. As a common lawyer he was convinced that the

[1] Holdsworth, *History of English Law*, vol. ii. p. 478, *n.* 3.
[2] Quoted by Prof. Grant, in *English Historians*, p. xx, *n.* 1.

common law of England was better than the civil law; as an Englishman he was equally convinced that English institutions excelled the French. His attitude is hardly scientific; but the mere fact that he institutes the comparison is worth something. It is owing to such lawyers as Fortescue that Sir Frederick Pollock could say in his Inaugural Lecture:—

'Had English law been in its infancy drawn within the masterful attraction of Rome, the range of legal discussion and the analysis of legal ideas would have been dangerously limited. Roman conceptions, Roman classification, Roman understanding of legal reason and authority would have dominated men's minds without a rival. It is hardly too much to say that the possibility of comparative jurisprudence would have been destroyed.' [1]

No less valuable was the service rendered by Fortescue to the study of political ideas. First of mediaeval writers he 'brings political philosophy from the clouds to earth by basing his theoretical analysis upon observation of existing conditions;' [2] he thus in a measure anticipates the work of Machiavelli.

Before attempting to trace through the centuries the influence exerted by Fortescue's writings, it will be well to summarise briefly the contents of the 'De Laudibus Legum Angliae' and the 'Governance of England.' For the present purpose his other works may be neglected: they were not printed till the complete edition of Fortescue's works in 1869, and their intrinsic importance is slight.

The treatise 'De Laudibus Legum Angliae' was written for the benefit of Edward Prince of Wales (eldest son of Henry VI) during his exile in France. The form is that of a dialogue, something like the 'Dialogus de Scaccario.' Fortescue exhorts the Prince to the study of English law, showing him that by the laws a prince is made happy, and

[1] *English Opportunities and Duties in the Historical and Comparative Study of Law*, 1883, p. 13.

[2] Plummer, Introduction to Fortescue's *Governance of England*, p. 82.

acquires a love of justice. The Prince wonders whether in the short time at his disposal he can possibly learn anything of law, also whether he should learn the law of England or the Civil Law. The Chancellor (*i.e.* Fortescue) encourages him by pointing out, first that a general knowledge will be sufficient, and that it can be acquired in one year; secondly, that the Prince must learn first and foremost the laws of his own country. Then follows Fortescue's theory of the English constitution, which he sets forth in a shortened form in the 'Monarchia.' The English government is a *dominium politicum et regale*, under which the realm is ruled by laws to which the subjects themselves give assent.[1] After Fortescue has shown the importance of this fact, the Prince asks for proof that the law of England is as effectual for governing as the Civil Law. Then follows an explanation of the method of passing an English statute, also a statement of the advantages of the jury system over the Civil Law trial by witnesses only, and of the iniquities of the torture system under the Civil Law. Fortescue accuses the latter of defectiveness for the purpose of justice, owing to the difficulty of securing impartial witnesses. The Prince thereupon professes himself an ardent admirer of the jury system, and Fortescue goes on to contrast the constitutional government of England with absolute government in France. An oft-quoted section follows, in which is described the method of studying English law at the Inns of Court. The description seems rather rose-coloured, and has to be taken with reservations. Another section deals with Serjeants-at-law, whose duties and privileges are described in much detail. The vexed question of legal delays is then discussed, Fortescue holding that judgment is never safe when the process is hurried. He quotes as an illustration the case of a woman who was burnt on the

[1] Sir Frederick Pollock points out that Fortescue's conception of a true limited monarchy as 'dominium politicum et regale' seems to have been original; the common opinion was that only *elective* kings could have limited authority (*Introduction to the History of the Science of Politics*, p. 51, *n.* 1).

charge of murdering her husband, and was afterwards proved to have been innocent. The judge, a friend of Fortescue's, told him he could never escape from the remorse occasioned by his ill-advised action in hastening her execution. The conclusion reached is that ' the laws of England are not only good, but the best of laws for the particular constitution of England.' The Prince, as in duty bound, adds :—' this law shall be ever dear to me preferably to all other laws in the world, which it as far surpasses as the morning star exceeds other stars in glory and brightness.'

Till recently the ' De Laudibus ' was the best known of Fortescue's works ; it was first printed in 1537, and has been reprinted more than a dozen times since : Mulcaster and Selden have been among its editors. In fact, till 1714 it was the only one of Fortescue's works printed at all, and nearly all the seventeenth-century quotations from him were taken from that source.

The ' Governance of England ' or ' Monarchia,' though till recent years less known and read than the ' De Laudibus,' possesses in some respects greater historical interest. It was Fortescue's last work, written between 1471 and 1476, and embodies the observations of a lifetime. Thanks to the scholarly edition by Mr. Plummer, it is well-known to the present generation of historical students, and there is no need to do more than recall the main topics. These are :—first, the introductory discussion of *dominium regale* and *dominium politicum et regale* ; secondly, the contrast between the condition of the people in France and in England, and the hardships suffered by the commons of France ; thirdly, the need of increasing the revenues of the English King ; fourthly, the danger to the King from subjects ' equepolent to himself '—a serious danger indeed in the age of Warwick the Kingmaker and Charles the Bold ; fifthly, the necessity of resuming gifts made inconsiderately ; sixthly, the reform of the King's council, and lastly, the right bestowal of offices, corrodies and pensions.

It should be noted that while the interest of the ' De Laudibus ' is mainly legal, and that of the ' Governance of England ' mainly constitutional, yet in each treatise Fortescue sets forth the view that there are two kinds of monarchy, absolute (*dominium regale*) and limited (*dominium politicum et regale*). When the legislative and taxative powers are exclusively in the hands of the monarch, the monarchy is absolute ; when they are shared by the subject, the monarchy is limited. Fortescue endeavours to support his doctrine of constitutional monarchy by the authority of Aquinas, but it has been shown by Lord Carlingford, and still more conclusively by Mr. Plummer, that he ' really derived them from his own liberal sentiments, and the happy experience of his own country.' [1] No part of Fortescue's writings has been more frequently quoted than the description of regal and political government in chapters 9–14 of the ' De Laudibus ' and chapters 1–3 of the ' Governance of England.' The main drift of these two sections could not be more tersely summarised than in M. Janet's single sentence :—

' Le savant Fortescue, dont le livre *De laudibus legum Angliae* fait encore autorité en Angleterre, est souvent cité par les auteurs comme ayant signalé avec précision les avantages de la monarchie tempérée sur le pouvoir absolu.' [2]

Such is the gist of Fortescue's two little treatises : the extent of their influence must now be examined. There is no proof that Fortescue's writings had any direct influence in his own day, but under the Tudors many of his suggestions were put into practice, and in the seventeenth century he was appealed to as a recognised authority on constitutional law. He exemplifies the truth of Dr. Figgis's remark : ' if we allow little to the theorist in momentary influence, we must admit that his is the power which " shapes the long result of time." The normal value, in fact, of political

[1] Quoted from Lord Clermont's edition of Fortescue's works, p. 360*, by Mr. Plummer, *Governance of England*, p. 172 ; cf. pp. 176, 178.

[2] P. Janet, *Histoire de la Science Politique*, 3rd edition, vol. ii. p. 144.

theories is a "long-period value."'[1] We cannot be sure to what extent the Tudor policy, more especially that of Henry VII, was influenced by Fortescue's views. It is, however, noteworthy that a scholar whose minute knowledge of the early Tudor period entitles his opinion to respect, the late Mr. Leadam, attributed Henry VII's predilection for an adherence to constitutional forms partly to the influence of Archbishop Morton, but partly also to the teaching of Fortescue, 'the author of two text-books for Lancastrian statesmen.'[2] The most cursory review of the reign of Henry VII shows that he endeavoured to deal with the mischiefs which Fortescue had so ably pointed out. If there was one thing that struck foreign observers during the reign, it was the wealth of the King; if there was one thing that excited discontent at home, it was the King's stern resolve that taxes should be paid.

> 'The commons renyed ther taxes to pay
> Of them demaunded and asked by the Kynge.[3]

But the northern rebels in 1489, though they slew the Earl of Northumberland, were speedily suppressed. The exertions of Master Lovel, Morton, Fox and Bray in the earlier, and those of Empson and Dudley in the later years of the reign, added to the payment of French subsidies under the Treaty of Étaples, made Henry VII's riches the envy of contemporary rulers. Thus the Milanese secretary is told by a fellow-countryman in England that the King is very powerful in money[4]; another Milanese writes: 'Everything favours the King, especially an immense treasure'[5]; and again 'with concord at home they have no occasion to fear, and nothing to do with any foreigner, especially as his Majesty has a very great treasure which increases daily.'[6] Similarly

[1] J. Neville Figgis, *Political Thought from Gerson to Grotius*, p. 2.

[2] *Select Cases in the Star Chamber*, 1477–1509, edited by I. S. Leadam (Selden Society), p. lxiv.

[3] Skelton, *Works*, ed. Dyce, i. 6–14 (stanza 12).

[4] *Milanese Calendar*, i. 299.

[5] *Ibid.*, i. 325.

[6] *Ibid.*, i. 327; cf. i. 329, 'from this time forward he is perfectly secure against Fortune and has no one else to fear, while his treasure will remain like leaven.'

the Spanish ambassador writes to Ferdinand and Isabella that the King's riches augment every day. 'I think he has no equal in this respect.' 'All his servants,' adds the Spaniard ruefully, 'are like him, for they possess quite "a wonderful dexterity in getting other people's money."'[1] Elsewhere the same ambassador spitefully remarks that Henry VII spends all the time he is not in public or in his Council in writing the accounts of his expenses with his own hands. Venetian information was to the same effect, e.g. Sanuto writes in an abstract of newsletters relating to the death of Henry VII that he was a very great miser, but a man of vast ability, and had accumulated so much gold that he is supposed to have more than wellnigh all the other Kings of Christendom.[2] All this evidence, which might easily be amplified, serves to show the contrast between the opulent Henry VII and the poverty-stricken Lancastrians. Henry realised as fully as Fortescue the 'harm that comyth off a Kynges pouerte,' and was assured that it was 'dishonour and abatynge of the glorie of a Kynge.'[3] Henry's subjects might grumble at his financial expedients, but the shrewdest of them might say with Skelton[4]:

'Immensas sibi divitias cumulasse quid horres?
Ni cumulasset opes, forte, Britanne, luas.'

Twenty-seven years after Henry's death the rebels at Pontefract[5] spoke regretfully of the King who was 'boythe luffyd and dred, the reyme so inrychyde and hymselfe also that yt was spoken to the worldes end that in thys reyme was the golden hyll.'

[1] *Spanish Calendar*, i. pp. 206–7: cf. i. 398, and i. 553.

[2] *Venetian Calendar*, i. No. 942.

[3] *Governance of England*, c. 5.

[4] Skelton's epitaph on Henry VII, *Works*, ed. Dyce, i. 178.

[5] *Letters and Papers of Henry VIII*, vol. xi. No. 1244. The large expenditure of Henry VII on jewels may be contrasted with the description of Henry VI's poverty in *Political Poems and Songs*, ii. p. 230.

'So pore a kyng was never seen
Nor richere lordes alle bydene.'

Between the seventh and twenty-second years of his reign Henry VII spent over £110,000 on jewels (*Excerpta Historica*, pp. 86–90).

Henry VII's financial policy was closely connected with his efforts to reduce the power of the nobles. Here again he acted in accordance with Fortescue's warning that 'certanly ther mey no grettir perell growe to a prince, than to haue a subgett equepolent to hymselff.' On one occasion he frankly said to Ayala, the Spanish Ambassador, that it was his intention to keep his subjects low, because riches would only make them haughty.[1] The exaction of loans and benevolences from wealthy nobles did something to lessen the 'perellis that may come to the Kyng by ouer myghtye subgettes.'[2] Equally effective was the legislation against livery, maintenance, embracery and kindred evils, all of which had been rampant in Fortescue's day, as is abundantly clear from the Paston Letters. We may be sure that Fortescue would have approved of the Act of 1487 which organised the jurisdiction of the Council in the Court of Star Chamber: equally with Sir Thomas Smith would he have praised a court which was 'able to bridle such stoute noblemen or gentlemen which would offer wrong by force to any manner men and cannot be content to demaund or defend the right by order of lawe.'[3]

Again, Henry VII's policy of weakening the influence of the nobles by not employing them in the Council was distinctly foreshadowed by Fortescue, who had urged that when the great princes and greatest lords of the land were councillors, many disadvantages ensued; their own affairs were considered, and the King's neglected; partiality and corruption were rife, and secrecy could not be ensured. Fortescue had proposed that the Council should consist of twelve spiritual and twelve temporal men 'off þe wysest and best disposed men þat can be ffounde in all the parties of this lande,' together with four lords spiritual and four lords temporal to be chosen annually by the King. Nothing so symmetrical as this was of course put into practice, but Henry followed the principle underlying the suggestion, viz.

[1] *Spanish Calendar*, i. pp. 177–8.

[2] *Governance of England*, c. 9.

[3] Sir Thomas Smith, *De Republica Anglorum*, ed. Alston, p. 118.

that ability should be the qualification for membership of the Council. In Bacon's oft-quoted words:

'he kept a strait hand on his nobility and chose rather to advance clergymen and lawyers. . . . He was not afraid of an able man as Lewis the Eleventh was; but contrariwise he was served by the ablest men that were to be found, without which his affairs could not have prospered as they did. . . . Neither did he care how cunning they were that he did employ; for he thought himself to have the master-reach.'

Yet another matter in which the suggestions made in the 'Governance of England' were carried out, was the resumption of the royal domain. Henry VII, it has been said, was just the man to profit by the advice of Sir John Fortescue,[1] he would readily see how important it was that the King should have 'sufficient and perdurable livelod for the sustentacion of his estate' (c. 14). His first Parliament required the restoration of all Crown lands given away since October 2, 1455. The Parliament of 1495 went still further: the fiscal agents went back to the reigns of Richard II and Edward III to recover land that had been alienated from the Crown. In the same year an attempt was made to increase the revenues of those portions of the property of the Prince of Wales which were farmed out.[2] Owing to such measures a foreign observer was able to report that the private property of the Crown yielded an income of £169,400.[3] Thus the policy of resumption, which had been frequently tried in times past without permanent success, was effectively carried out, though with much harshness, and much injustice to individuals.[4]

[1] *Spanish Calendar*, vol. i., Pref. p. liii.

[2] Busch, *England under the Tudors*, p. 282.

[3] *Italian Relation*, ed. C. A. Sneyd, Camden Society, 1847, p. 50.

[4] It is just possible that the language of some of the financial documents of Henry VII's reign is an echo of Fortescue's, e.g. *Statutes of the Realm*, ii. 643 (the people of New Shoreham) 'be nat arted nor compelled'; *Rutland Papers* (Hist. MSS. Comm.) i. 13, 'which can in noo wise be doon without grete substance of good.' Compare *Governance of England*, c. 5. 'But the grettest harme that comyth of a Kynges pouerte is, that he shal bi necessite be arted to fynde exquysite meanes of geytinge of good.'

Thus by economy and by strict enforcement of the law Henry VII did much to remedy the 'lack of governance' which had been the main cause of the Lancastrian downfall. By him were laid the foundations of the strongest monarchy which England had known since the time of the Norman and Angevin. Fortescue's suggestions as to the strengthening of the executive were carried out during the whole of the Tudor period, when the nation at large realised that 'in the face of dangers which threatened the country both at home and abroad, the sovereign must be allowed a free hand.'[1] Hence during the sixteenth century some of Fortescue's ideas had considerable influence, though others were for the time unfruitful. The security of life, liberty and property which he had extolled as the birthright of Englishmen was too often impaired in days when *salus populi* was regarded as *suprema lex*. But his views on the advantages of limited monarchy played some considerable part in the opposition to arbitrary government, when the monarchy built up by the Tudors had in the hands of their successors lost national support. Thus, in the words of Dr. Holdsworth,

> 'the practical influence which Fortescue's works have had has been curiously double. They have enjoyed the rare distinction of having suggested both the measures which led to the establishment of the strongest monarchy which England had had since the time of the Norman and Angevin Kings, and the arguments which were frequently and effectively used by the opponents to arbitrary rule.'[2]

While the general trend of Tudor policy shows in a measure the influence of Fortescue's writings, it is natural to seek for more definite evidence in the constitutional and legal treatises of the sixteenth century. If Fortescue's 'Governance of England' is the earliest constitutional treatise written in the English language, Sir Thomas Smith's 'De Republica Anglorum (A Discourse on the Common-

[1] Prothero, *Statutes and Constitutional Documents*, 1559–1625, p. 1.
[2] Holdsworth, *History of English Law*, vol. ii. pp. 481–2.

wealth of England)' is undoubtedly the second. The later work is more comprehensive in scope than the earlier. In it, as Smith says, he has set forth almost the whole of the form of the commonwealth, especially those points in which it differs from others. Not only is the constitution of England described, but chapters dealing with social and legal institutions are included. There are many points of contrast between Smith and Fortescue. The influence of the Renaissance is clearly seen in the first-hand acquaintance with Aristotle's Politics shown by Smith, as contrasted with the tags quoted by Fortescue from the 'Auctoritates Aristotelis'—not to mention his wild derivation of 'policia' from *poles* (*plures*) and *ycos* (*scientia*). Sir Thomas Smith's mental horizon was wider than Fortescue's; not only was he a scholar as well as a lawyer, but as ambassador in France he probably had better opportunities for the study of French institutions than could have fallen to the lot of the Lancastrian exile. But in many respects the tone of the two writers is the same. Both have a patriotic bias; Sir Thomas Smith in his absence from England felt 'a yearning for our commonwealth,' and defends English ways and institutions in general. Both at times go too far in their eulogies; Fortescue's rose-coloured description of the Judges' industry and incorruptibility[1] is doubtless as exaggerated as Smith's statements that torture was absolutely unknown in England and abhorred by Englishmen, or that bondmen had become so few 'that it is almost not worth the speaking.'[2] Both have a whole-hearted belief in English laws and institutions. Fortescue saw clearly the defects in their working, but he

[1] *De Laudibus Legum Angliae*, c. 52. 'The Judges, when they have taken their refreshments spend the rest of the day in the study of the laws, reading of the Holy Scriptures, and other innocent amusements at their pleasure; it seems rather a life of contemplation than of much action; their time is spent in this manner free from care and worldly avocations. Nor was it ever found that any of them has been corrupted with gifts or bribes.'

[2] *De Republica Anglorum*, Bk. II, c. 24, and Bk. III, c. 8.

could confidently affirm that ' our Kynge reignith upon vs be lawes more fauerable and good to vs þan be the lawes by the whiche þe Ffrench Kynge rulith his peple.' Similarly Smith maintains that no one had discovered any better methods of shortening law suits than those employed in England.[1] Both writers were men of practical ability and experience in affairs, and both had a high standard of humanity, as is shown by the arguments they advanced against the use of torture. Sir Thomas Smith, writing in France without a single book to consult, does not quote authorities, but it is difficult to believe that he had not read Fortescue's ' De Laudibus,' considering that it had been printed in 1537, twenty-eight years before the rough draft of the ' De Republica Anglorum ' was penned.

While the influence of Fortescue on Sir Thomas Smith's work, though possible, cannot be demonstrated, it is undoubted in the case of one of the most popular legal manuals of the sixteenth and succeeding centuries, Christopher St. German's ' Doctor and Student.'[2] In the earlier chapters of the Dialogue which deal with the law of nature and the grounds of the law of England there is a general resemblance to the ' De Laudibus,' and Fortescue is actually mentioned in a passage setting forth the advantages of legal study.

' And therefore if the noblemen of this realm would see their children brought up in such manner, that they should have learning and knowledge more than they have commonly used to have in time past, specially of the grounds and principles of the law of the realm, wherein they be inherit (though they had not the high cunning of the whole body of the law, but after such manner as Mr. Fortescue in his book that he entituleth the book ' De Laudibus legum Angliae ' advertiseth the prince to have knowledge of the laws of the realm), I suppose it would

[1] *De Republica Anglorum*, Bk. II, c. 13.

[2] St. German's handbook was not superseded till the appearance of Blackstone's *Commentaries* : numerous editions appeared in the sixteenth and seventeenth centuries ; the sixteenth (enlarged) edition was published in 1761, and the last (at Cincinnati) in 1874 (*Dict. Nat. Biog.*). An indication of the reputation of the treatise is the fact that when Coke was accused in 1616 he adduced among other justifications for his action ' the book intituled *The Doctor and Student.*'

be a great help hereafter to the ministration of justice of this realm, a great surety for himself, and a right great gladness to all the people.' [1]

The popularity of the ' De Laudibus ' in the sixteenth and early seventeenth centuries may be gauged from the fact that it was printed no fewer than six times. The first edition of the Latin text in 1537 was followed by Mulcaster's English translation, which was printed five times up to and including the edition of 1609. It should be noted that Stow in his ' Survey of London ' quotes Fortescue as an authority on legal antiquities,[2] and that he himself transcribed one of the extant MSS. of the ' Governance of England ' (Harleian MS. 542).[3] Lastly, Fortescue had the honour of praise from Sir Walter Raleigh, who called him ' that notable bulwark of our laws.' [4]

While the influence of Fortescue's writings is traceable in the sixteenth century, it is much clearer in the seventeenth-century struggle between the royal prerogative and the common law. He was ' constantly appealed to as an authority by the constitutional party ; and his writings played a part not altogether inconsiderable in the preservation of English liberties.' [5] To this statement of Mr. Plummer's it may be added that Fortescue's authority was quoted on both sides of the struggle, though more frequently, for obvious reasons, on the side of the common law. The most cursory survey of the constitutional disputes from 1603 onwards shows how leading a part was taken by lawyers and how great was the importance attached to legal authorities. An amusing instance of this latter is the story of

[1] *Doctor and Student*, 16th edition (1761), Dial. 2, c. 46.

[2] *Survey of London*, ed. Kingsford, i. p. 77. ' There was moreover in the reign of King Henry I a tenth house of Chancery, mentioned by Justice Fortescue in his book of the laws of England, but where it stood or when it was abandoned, I cannot find, and therefore I will leave it, and return to the rest.'

[3] Several transcripts of the *De Laudibus* and the *Governance of England* date from the sixteenth century. See Plummer, pp. 87–94.

[4] *History of the World*, pt. i. p. 247, ed. 1614.

[5] Plummer, p. 105.

Judge Jenkins' resolve if he were brought to execution (1648):

'I will now,' said the judge, 'tell you all that I intend to do and say at that time. First, I will eat much liquorish and gingerbread, thereby to strengthen my lungs, that I may extend my voice far and near; for no doubt there will be great multitudes at the place. And then I will come with Bracton's book hung upon my left shoulder, with the statutes at large hung on my right shoulder, and the Bible with a ribband put round my neck and hanging on my breast. Then I will tell the people that I was brought there to die for being a traitor.'[1]

The gallant Welshman's proposed equipment did not include Fortescue's two little treatises: they would not have had the weight (moral or material) of Bracton, to whom has been attributed, in large measure, the victory of the common law over royal prerogative in the seventeenth century.[2] But Fortescue had the merit of being untechnical and eminently quotable, and he was cited by many who were not deeply versed in the common law.

Early in the century (1616) a new edition of the 'De Laudibus' was brought out, consisting of the Latin text and Mulcaster's translation with a preface and notes by Selden. The preface is short, and the notes, as a later editor (1737) says, are 'cursory, and seem calculated to gratify the Importunity of a Bookseller, and thereby to recommend a new edition.' More important than the actual work done for the 1616 edition is the fact that Fortescue's treatise was associated with one who in Milton's eyes was 'the chief of learned men reputed in this land,' and was, according to Clarendon, 'of stupendous learning in all kinds and in all

[1] *Somers Tracts*, vol. v. p. 129.

[2] See Prof. Hearnshaw's chapter on *Legal Writers* in vol. viii. of the *Cambridge History of English Literature*, p. 312. 'It is worthy of remark in this place that the victory of the common law over the royal prerogative in the seventeenth century was largely the triumph of Bracton. . . . It is difficult to conceive that English common law could have survived the attacks of its many enemies during the Tudor and Stewart periods, if it had not been cast into the form, alike logical and literary, of Bracton's treatise.'

languages.' Selden and his fellow-labourers were slowly building up a school of legal history,[1] and it was only natural that they should recognise the work for the common law which had been done by Fortescue.[2] Coke, the greatest common lawyer of the seventeenth century, commended Fortescue even more warmly than did Selden, styling him 'that most reverend and honourable Judge,' and extolling his profound knowledge of law and his excellence as an antiquary. In upholding trial by jury Coke writes:—

'For the excellence of this kind of trial and why it is only appropriated to the common laws of England, read Justice Fortescue chapters 25–32 &c. &c. of his book *De Laudibus Legum Angliae*, of which being worthy to be written in letters of gold for the weight and worthiness thereof, I will not abridge any part of the same, but refer the learned reader to the fountain itself.' (Preface to the 8th Report.)

In the 'Institutes' Coke not infrequently refers to Fortescue, e.g. in Inst. 2, West. i, p. 187, ed. 1642:—

'And Fortescue speaking to the Prince to instruct him against he should be king saith: "Melius enim per alios quam per te ipsum iudicia reddes, quo proprio ore nullus Regum Angliae usus est, et tamen sua sunt omnia iudicia Regni, licet per alios ipsa reddantur, sicut et iudicum olim sententias Josaphat asseruit esse iudicia Dei."'

In speaking of 'de tallagio non concedendo' (Inst. 3, p. 533) Coke says:—

'had it (*sc.* the nature of the King's government) been merely regal, he would have power to make what innovations and alterations he pleased in the laws of the Kingdom, and to impose tallages and other hardships upon the people, whether they would or no, without their consent.'

[1] *Cf.* Dr. Holdsworth's article on Coke in *Essays in Legal History*, ed. Vinogradoff (1913).

[2] Another proof of the interest taken by Selden in Fortescue's works is the fact that among his MSS. was a transcript of the *Monarchia*, one of the *De Natura Legis Naturae* and one of the *Declaration upon Certain Writings sent out of Scotland*. See Plummer, pp. 90–1. For the value of Selden's work see the article by H. D. Hazeltine on *Selden as Legal Historian* in *Harvard Law Review*, vol. xxiv. (1910–11).

Again, under the head of Magna Carta he writes (Inst. 3, p. 246):

'The honourable manner of the creation of these justices you may read in Fortescue.'

In 1610 Coke was asked whether the King could by proclamation prohibit the building of new houses in London and the manufacture of starch. He asked and obtained leave to consult with three of the judges, and a few days afterwards the four delivered their opinion in the presence of the Privy Council. The King, they said, could not *create* an offence by proclamation. He could only admonish his subjects to keep the law. Coke's argument on this occasion was principally founded upon Ch. 18 of the 'De Laudibus' (How statutes are made in England). He showed conclusively that the King could not change any part of the common law, or create any offence by proclamation, and that there never was an indictment which concluded 'contra Regiam proclamationem.' Two other instances may be added in which Coke closely adhered to the views of his predecessor. In the 'Institutes' he adopted Fortescue's opinion on the use of torture as the foundation of his own indignant censure. In the Prefaces to the Second and Eighth Reports he warmly endorsed Fortescue's eulogies on the laws of England.

The authority enjoyed by Fortescue in the seventeenth century may be estimated from the references made to him not only by legal writers, but by judges and counsel in the law-courts and by speakers in Parliament. During the debate on impositions in 1610 Whitelocke (not Yelverton as given in the 'State Trials') made a masterly defence of the rights of the subject, supporting one part of his argument by a quotation from the 'De Laudibus':—

'So we see that the power of imposing and power of making laws are "convertibilia et coincidentia," and whatsoever can do the one can do the other. And this was the opinion of Sir John Fortescue, that reverend and honourable judge and very

learned professor of the common law, and chief justice of the King's Bench in the time of Henry VI. His words are these in his book *De Laudibus Legum Angliae* cap. 9. "Non potest rex Angliae ad libitum leges mutare regni sui; principatu namque nedum regali sed et politico ipse dominatur. Si regali tantum praeesset iis, leges mutare posset; tallagia quoque et cetera onera imponere, ipsis inconsultis, quale dominium leges civiles indicant, cum dicunt, quod principi placuerit legis habere vigorem. Sed longe aliter potest rex politicus imperans;[1] quia nec leges ipse sine subditorum assensu mutare poterit, nec subiectum populum renitentem onerare peregrinis impositionibus." Further in the thirtieth chapter he saith of the King of England "neque rex ibidem per se aut ministros suos tallagia, subsidia, aut alia quaevis onera imponit ligeis suis, aut leges eorum mutat, vel novas condit, sine concessione vel assensu totius regni sui in parliamento." So he maketh these two powers of making law and imposing to be concomitant in the same hand and that one of them is not without the other. He giveth the same reason for this as we do now, but in other words; because (as he saith) in England it is "principatus mixtus et politicus," the King hath his sovereign power in Parliament assisted and strengthened with the consent of the whole Kingdom, and therefore these powers are to be exercised by him only in Parliament.'[2]

The judges who had given the decision in Bate's case held that the King was entitled by his sole prerogative to levy impositions on imports and exports. Whitelocke showed that the authority of a fifteenth-century judge was utterly against a view which, if developed, would have led to the extinction of English liberty.[3]

During the years 1627–9 Fortescue was often quoted. In the 'debate touching grievances' (1627) Sir Robert Philips said:—'I would you would look into Fortescue

[1] Lord Clermont's edition of Fortescue's works has here 'rex politice imperans genti suae.'

[2] *State Trials*, ed. Cobbett, vol. ii. p. 486. The speech here printed as Yelverton's was really delivered by Whitelocke; see *Dict. Nat. Biog.* (re-issue), vol. xxi. p. 1231. The last sentence of the above quotation is interesting as showing the influence of Bodin's conception of sovereignty.

[3] Gardiner, *History of England*, 1603–1642, vol. ii. p. 6.

where he puts the Prince in minde, what misery he saw where Soldiers were put upon the people.'[1] At a conference of the two Houses in 1628 Sir Dudley Digges asked leave to cite the words 'of Fortescue the learned Chancellor to Henry VI, who writing of this kingdom says, " Regnum istud moribus nationum et regum temporibus, eisdem quibus nunc regitur legibus et consuetudinibus regebatur." '[2] Fortescue's opinion was quoted by Sir Edward Coke against imprisonment without cause shown.[3] Similarly in the case of Strode, one of the members of Parliament imprisoned after the dissolution of 1629, his counsel pleaded Fortescue's authority in proof that the warrants for his detention were insufficient :—

'For the King himself cannot imprison any man, as our Books are, to wit 16 H. 6 F. Monstrance de faits 2 H. 7. 4. Hussey reports it to be the opinion of Markham in the time of Edw. 4 and Fortescue in his Book *De Laudibus Legum Angliae* cap. 18. And the reason given is, because no action of false imprisonment lies against the King if the imprisonment be wrongful; and the King cannot be a wrongdoer.'[4]

In the most famous case of the period, that of Hampden, Fortescue's authority was invoked on both sides; on Hampden's by Holborne, Croke, Hutton and Davenport; on the King's by Bankes (the Attorney-General), Berkeley, Jones and Finch. The general drift of the 'De Laudibus' was undoubtedly in favour of Hampden's contention, and those who argued for the King had to weaken the force of quotations which made against them, by inserting glosses of their own. The following extracts from Rushworth and the 'State Trials' will show the double use made of Fortescue.

[1] Rushworth, *Historical Collections*, vol. i. p. 504.

[2] *Ibid.*, p. 528.

[3] *Ibid.*, pp. 535, 536.

[4] *Ibid.*, App. p. 18; *cf.* p. 33 (Mr. Littleton's Argument for Mr. Selden, marginal reference to Fortescue f. 115). *Cf.* also p. 38 (the same speech), and p. 46 (Mr. Mason's Argument for Sir J. Eliot).

Holborne, one of Hampden's counsel, arguing that the King may not of his own authority charge his subjects even *pro bono publico*, said :—

'I omit many cases and conclude with that of Fortescue *De Laudibus Legum Angliae* cap. 25 ; speaking of and commending the policy of England, he prefers it before that of France, and shows the good fruits and effects of it ; and lays this down for one, that the King cannot charge without consent of Parliament. And he was a man allowed for extraordinary judgment, who showeth instructions for a prince for future government, being trusted more with the government of the prince than any other.' [1]

Sir George Croke, the first of the judges to take part with Hampden,[2] quoted Fortescue to prove that the King can change no law nor charge his people except by common consent in Parliament.[3] Sir Richard Hutton followed decisively in Croke's steps. After quoting at length from the ' De Laudibus,' he continues :—

' Cap. 38 is full and strong against the King, which my brother Jones was pleased to omit. The King may by his officers take necessaries for his house, nevertheless he is bound to pay for them ; for by the law he ought not to take away any of his subjects' goods without making satisfaction for the same ; neither can he lay any tallage, subsidy or other burthen, or make new laws or alter the old without the express agreement of the people in Parliament.' [4]

On the other side Bankes, the Attorney-General, who replied to Holborne, was fain likewise to grasp at support from Fortescue ; when trying to prove that the King of England was an absolute monarch, he quoted the words : ' the King of England as well as any other King or Emperor

[1] *State Trials*, ed. Cobbett, vol. iii. p. 980.

[2] Five judges in succession had declared for the king, viz. Weston, Crawley, Berkeley, Vernon and Trevor ; later on Jones and Finch followed suit. Gardiner, *History of England*, 1603–1642, vol. viii. p. 278.

[3] *State Trials*, ed. Cobbett, vol. iii. pp. 1136 and 1163.

[4] *Ibid.*, p. 1194 ; *cf.* p. 1195, and Sir Humphrey Davenport's speech, p. 1211.

hath all the liberties within this Kingdom *in imperio suo.*' When judgment was given, Berkeley tried to weaken the argument that Hampden's counsel had drawn from Fortescue :

'The last material objection to be answered by my memory is the authority of Fortescue in his *De Laudibus legum Angliae* where he saith (cap. 13) That the King of England is Rex politice regens ; et regulariter, to do what he please. This needs no answer, it is agreed. But he farther saith (cap. 9) That the King may not " populi substantias proprias subtrahere reclamantibus eis vel invitis " ; that he may not " tallagia et cetera onera eis imponere ipsis inconsultis " ; that he may not " subjectum populum renitentem onerare impositionibus peregrinis." I answer that 'tis most true, " regulariter, et regula non facit ius, et nulla regula quin fallit." Cases of necessity, cases of *bonum publicum,* cases of *salus reipublicae* are not to be comprised within ordinary rules.' [1]

Sir William Jones attempted to counter Sir George Croke by the following argument :—' And where he (sc. Croke) speaks of taxes and charges that cannot be imposed without consent, some other places of the author do show that it is where the King imposeth it for his own private use, and not in case of public defence.' [2] Finally Sir John Finch, Lord Chief Justice of the Common Pleas, while assenting to Fortescue's commendation of the laws of England, yet endeavoured at considerable length to weaken the argument drawn from him by Sir George Croke. He quoted several passages from the ' De Laudibus ' which, he fully admitted, proved, first, ' that the Kingdom ought to be governed by the positive laws of the land and that the King cannot change nor make new laws without a Parliament ' ; secondly, ' that the subject hath an absolute property in his goods, possessions and estates, nor to his own use the King cannot take them ' ; thirdly, ' nor for his own use the King cannot lay any burden, tallage, tax or imposition without the subjects' consent in Parliament.'

[1] *State Trials,* ed. Cobbett, vol. iii. p. 1124. [2] *Ibid.,* vol. iii. p. 1186.

At this point, however, Finch parted company with his text, and alleged in the fourth place ' that for the benefit of trades the King may lay fitting impositions and may command that which is for necessary defence of the kingdom, which is no command of charge, but command of employing.' He could thus complacently ' answer to the great objections that liberty of the subject is lost, and the property is drowned which they have in their estates.' [1] No wonder that Clarendon wrote long afterwards: ' Undoubtedly my Lord Finch's speech made ship-money much more abhorred and formidable than all the commandments of the Council table and all the distresses taken by the sheriffs of England.' [2]

A close parallel to a portion of Finch's argument is to be found in the perverse use that Sir John Davies had already made of Fortescue's authority in his tract 'The Question concerning Impositions.' [3] The passage runs as follows:

' If this question may be decided either by the Law of Nations or by the Law Merchant which is but a member thereof, or by the Roman Civil Law, we find this point clearly and absolutely determined, and over-ruled by the rule of those Lawes, viz. That all absolute Kings and Princes may set Impositions upon Merchandizes by their Prerogatives, and thereupon we may conclude, that since one Monarch hath as much power as another, as *Fortescue* in his book *De Laudibus legum Angliae* affirmeth, the K. of England, as well as any other King, as the Emperor himself, cum ipse omnes libertates habet in regno suo quas imperator vindicat in imperio.' (P. 28).[4]

[1] Rushworth, *Historical Collections*, vol. ii. pt. ii. App. pp. 227, 231, 232.

[2] Clarendon's *History of the Rebellion*, i. 71.

[3] Dedicated to King James in the latter end of his reign. The British Museum copy is dated 1656.

[4] Sir John's omission of any reference to the kind of law that was really in point well illustrates Dr. Gardiner's remark that ' to a great knowledge of institutions he joined a profound ignorance of human nature ' (*History of England*, 1603–1642, vol. i. p. 382). His argument would not appeal to the plain merchant who maintained that no imposition could be legally demanded without the consent of Parliament. It is a jumble of truth and falsehood, on all fours with the last sentence of his tract: ' blessed is the people that have the Lord for their God above in Heaven, and King James for their King here upon earth.'

When such frequent use was made of Fortescue by lawyers and politicians, it is not surprising to find him freely quoted by authors of legal treatises for the use of students. Two may be taken as typical, Doddridge's 'English Lawyer' (published in 1631) and 'A Short Treatise of the Lawes of England': With Jurisdiction of the High Court of Parliament with the Liberties and Freedomes of the Subjects. Written and collected by Walter Mantell, Esq., anno Dom. 1644.' ('Somers Tracts,' vol. iv. pp. 599–605.) The following passages in Doddridge show the high estimation in which he held Fortescue's character and writings :—

'Let me not here forget or passe over in silence those excellent Judges in the raigne of King Henry the sixt, Newton, Prisot, Fortescue, which man last named was first Chancellor to the Prince and after chiefe Justice of the King's Bench, and was excellently learned in Divinity, Philosophy, Law both Ecclesiasticall and the Lawes of this Realme, as the little Treatise written by him in the praise of our Lawes in the Latine tongue and some other manuscripts I have seene of his worke of a higher subject, doe evidently declare.' (P. 34.)

'But passing over many other in silence, I will conclude with that little Treatise made *de laudibus legum Angliae* in praise and commendations of the Lawes of this Land by comparison with foreign Lawes of some other Countries devised and written in the Latine tongue by that sincere and most learned Judge *Sir John Fortescue* Knight, thereby to incite by many arguments the Prince sonne and heire to King Henry the sixt, to the knowledge of the Lawes of this Country. . . . This little work is well worthy of the perusall, plentifully showing the learning of the Author in Divinity, Philosophy, and other good Literature, besides the knowledge of the Lawes of this Realme, a man, I say, who for the fidelity he bare to his Master, tasted of the tempest that stirred in the end of his time, having had both his rising and his ruine in that fatall fall of his Lord' (pp. 42–3). [1]

Mr. Mantell's treatise is of little value in itself, for it is hardly more than a series of quotations from

[1] There is a third reference to Fortescue on p. 151, where his definition of a maxim is quoted.

Fortescue, sometimes with acknowledgment and sometimes without.[1]

In the pamphlet literature of the Civil War period traces of Fortescue's influence may be found. An instance is the reference to the 'De Laudibus' in 'The Corruption and Deficiency of the Laws of England soberly discovered' (1649).[2] The writer quotes the very questionable statement of Fortescue that notwithstanding the several conquests of this realm, yet the same laws have still continued. A sensible explanation follows: 'Which opinion of his can be no otherwise explained (besides what we have already said) than that succeeding conquerors did still retain those parts of former laws which made for their own interest' An earlier pamphlet, dated 1642, is clearly based on Fortescue, though his name is not mentioned. It is entitled:—

'Examples for Kings, or Rules for Princes to govern by. Wherein is contained these ensuing particulars:

'1. A Discourse touching Regal and Politick Government. (Eleven other headings follow.)[3]

Thomason's great collection of Tracts is probably the best index to the trend of political thought during the period of the Civil Wars and Commonwealth. For the purpose of this paper it has not been possible to read more than a few tracts on law and government selected from the publications of the years 1647, 1648 and 1653.[4] In six of these tracts there is but one allusion to Fortescue, simply a note of his remark as to the permanence of the laws of England, which the writer calls 'too far-fetched.' References to Machiavelli, Bodin, Althusius, Sir Thomas Smith and

[1] See *Somers Tracts*, vol. iv. pp. 600, 601. Passages are quoted from *De Laudibus*, cc. 9, 12, 13, 17, 19–28, 36.

[2] *Harleian Miscellany*, vol. iii. pp. 250 ff. [3] *Ibid.*, vol. ii. p. 224.

[4] *Thomason Tracts* (British Museum); *Royalty and Loyalty*, July 7, 1647; *A Parallel of Governments*, August 3, 1647; *The Divine Right of Government*, September 9, 1647; *The Anarchy of a Limited or Mixed Monarchy*, April 19, 1648; *Eight Reasons Categoricall, &c.*, June 30, 1653; *Rules of Civil Government*, July 5, 1653. There is an allusion to Fortescue on p. 238 of the *Discourse upon the Natural Excellencies of England*, Nov. 21, 1657.

Harrington are frequent, especially to the two first named, but Fortescue's views would not find much favour between 1642 and 1660. Royalists would dislike his limitations on the King's power; indeed in one of the Thomason Tracts entitled 'The Anarchy of a Limited or Mixed Monarchy,' the author roundly says: 'if the King be judge, then he is no limited monarch. If the people be judge, then he is no monarch at all.' On the other hand, Fortescue's attachment to monarchy and his incomplete analysis of political conceptions, especially his omission of any discussion on sovereignty, would lead many to regard his works as hopelessly out of date. For the time being, arguments based on biblical or classical history were more in favour than those based on the history of England itself; perhaps too Fortescue suffered from the general animus against mediaevalism which found a grotesque expression in a pamphlet entitled 'St. Edward's Ghost or Anti-Normannism.'[1]

After the Restoration interest in Fortescue's writings revived. In 1663 Mr. Edward Waterhouse published: 'Fortescutus Illustratus, or a Commentary on that Nervous Treatise De Laudibus Legum Angliae, written by Sir John Fortescue Knight, First Lord Chief Justice, after Lord Chancellour to King Henry the Sixth.' This edition is prefaced by an elaborate and fulsome dedication to the Earl of Clarendon. Unlike his text, Mr. Waterhouse's commentary is tedious and pedantic, but he deserves mention partly for the genuine learning embedded in his 'commentary vast,' partly for the boldness with which he attempts to 'make Fortescue talk the language of the Caroline Restoration.' A good example of this perverse ingenuity is to be found on p. 465:—

'And hereupon, as the Chancellour concludes this chapter with St. Thomas whom he began with, wishing that Omnia Regna politice regerentur, so shall I end my Comments on it, with the advice of an Oracle among Kings and men, our late Gracious King Charles the Father. Nothing can be more happy

[1] *Thomason Tracts*, August 17, 1647.

for all (both King and People) than in fair grave and honourable wayes to contribute their counsels in common enacting all things by publick consent without Tyranny or Tumults, which is Politicè regere et regi in St. Thomas his words. . . .'

Another instance is the note on Chap. XXXIV., which deals with the regal and political government exercised by the Kings of England. Mr. Waterhouse instances the Act of Oblivion as an example of ' Monarchique bounty and benevolence,' adding ' thanks be to God for giving his Majesty a heart to do it.' We may well believe, however, that Charles II's head rather than his heart led him to consent to the Act of Oblivion. In commenting on Fortescue's exhortation to the study of the law Mr. Waterhouse takes occasion to enforce the duty of non-resistance, and to condemn ' those Levelling Monster Anarchique Principles ; which infatuating this Nation of late, produced so unnatural and tragical effects of War, Disloyalty and Irreligion amongst us ' (pp. 15–16). Fortescue's references to taxation produce a jubilant note on the Restoration settlement of the revenue at £1,200,000 per annum. ' And if it do prevent the inconveniences of neediness (one of the most worrying mischiefs to greatness) the subject will have great cause to pay willingly, and joy in the prudence of so convenient a settlement, as will prevent what follows, Peeling and polling of subjects.' Does Fortescue portray the character of a just Prince ? His commentator draws an illustration from ' Eikon Basilike ' : ' This our late martyr'd King Charles the First, considering, breaks out into this expression, Publique Reformers had need first act in private, and practise that on their own hearts, which they purpose to try on others.' Fortescue's analysis of kingship gives an opportunity for a quotation, not precisely happy, from a sermon at Charles II's coronation :

' A Political Monarch governs his Subjects as a Father does his Children, by equal and just Laws, made by their own consent to them. Despotical Government is that of the Turks and Muscovite ; but Political is and ought to be the Government

of all Christian Kings; I am sure it is of ours: and therefore such a kind of Monarchy as ours is not onely the most just and reasonable, but most plausible and popular government of all others.' (P. 20.)

Chap. IX of the 'De Laudibus' has for its heading 'A King whose Government is political cannot change the laws.' To comment suitably on this might seem difficult, considering that in December 1662 Charles II, in his declaration in favour of toleration, spoke of that power of 'dispensing which he conceived to be inherent in him.' But Mr. Waterhouse is fully equal to the occasion and frankly admits that—

'The onely use of the instance is to shew that Royal power, mixed with politique as in the temperament of England's Politie, is the best Government to make both King and People secure of God's mercy, and their mutual aid and affection each to other in order to their joynt and several capacities and conditions, happyable thereby: Nor is there any Government in the World so true a Paradise to its enjoyers as this of the Municipall Laws of England, accompanied with such supplements of Civil Law as are legitimated with us.'

Altogether Mr. Waterhouse's book is a noteworthy example of the ease with which the ideas of one age can be read back into another. 'Our text-master,' as Fortescue is often called in the commentary, would have been not a little amazed at the quotations from James I and Charles I which are supposed to illustrate his treatise.

In striking contrast to the tone of Mr. Waterhouse's notes is the strongly Whig tract by Lord Somers on 'Grand Juries,' much of the argument of which is derived from Fortescue.[1] The tract is a vindication of the right of the

[1] The full title is :—*The Security of English Men's Lives, or the Trust, Power and Duty of the Grand Jurys of England. Explained according to the Fundamentals of the English Government, and the Declarations of the same made in Parliament by many Statutes. Published for the Prevention of Popish Designs against the Lives of many Protestant Lords and Commoners, who stand firm to the Religion and ancient Government of England. London.* 1681.

grand jury to reject the bill of indictment against Lord Shaftesbury. A few quotations will suffice to show how closely the argument of the 'De Laudibus' is followed :—

'And if they (sc. the jurors) were jealous of the Combination of Witnesses, or that corruption and subornation hath been made use of, they cannot be restrained from asking all such questions as may conduce to the sifting out of the truth, nor from examining the witnesses personally and separately, lest (as Fortescue says) the saying of one should provoke or instruct others to say the like.' (P. 34, *cf. De Laudibus*, c. 26.)

Fortescue's horror of unjust condemnation is alluded to in one passage :

'Moreover all Humane Laws were ordained for the Preservation of the Innocent and for their sakes only are Punishments inflicted ; that those of our Country do solely regard this was well understood by Fortescue who saith, " indeed I could rather wish twenty Evil-Doers to escape Death through Pity than one man to be unjustly condemned." '

In yet another passage Fortescue's words are almost literally translated :

'But when the one and the other Jury act as they ought with Courage, Diligence and Indifference, we shall have just reason with the wise Lord Chancellor Fortescue to celebrate that Law that instituted them, to congratulate with our Countrymen the happiness we enjoy while our lives lie not at the mercy of unknown witnesses hired, poor, uncertain, whose conversation or malice we are strangers to, but neighbours of substance, of honest report, brought into Court by an honourable sworn officer —men who know the witnesses and their credit and are to hear them, and judge them.' (P. 153.)[1]

Similar references to Fortescue occur in a tract entitled 'Summus Angliae Seneschallus, Survey of the Lord High Steward of England, his Office, Dignity and Jurisdiction'

[1] A minor point of interest in this tract is that it shows Somers to have been accquainted with the *Governance of England*. The references to Nimrod on p. 62, and later to Naboth, are evidently taken from cc. 2 and 4 of Fortescue's treatise, then still unprinted.

(1680).[1] It was written when the five Roman Catholic lords implicated in the Popish Plot were in the Tower. In the discussion of the question, what witnesses were required in indictments and trials of treason or misprision of treason, the writer refers to Fortescue's commendation of the jury system. In discussing whether torture in case of treason or felony might be used under English law, the solution given is as follows :—

'Sir John Fortescue, Chief Justice of England, who wrote in commendation of the common laws, preferreth the same for government before the civil law; and particularly that all tortures were against the common law expressly, and he proceeds to show the inconveniences and mischiefs thereof by fearful examples, to which learned author I refer your lordships.'

The pamphlet literature of the Revolution period yields some proof of the continued interest in Fortescue's works. An instance is the 'Treatise of Monarchy, Done by an earnest Desirer of his Country's Peace,' 1689.[2] Chapter II deals with the division of monarchy into absolute and limited, and the following footnote is appended :—

'This dyversitie (says Sir John Fortescue) is well taught by saynt Thomas, in hys boke which he wrote "Ad regem Cipri de Regimine Principum." But yet it is more opynly treatid, in a boke callid Compendium moralis Philosophiae, and sumwhat by Gyls, in his boke, De Regimine Principum.—Fortescue on Absolute and Limited Monarchy.' [3]

Vol. I of the 'State Tracts' contains several references to Fortescue. In 'Political Aphorisms: Or the true Maxims of Government displayed' he appears in excellent company :

'Aristotle, Cicero, Augustin, Fortescue and all other Politicians agree, that Kingdoms and Commonwealths were existent before Kings: for there must be a Kingdom or society

[1] *Somers Tracts*, vol. viii. pp. 77 and 80.

[2] *Harleian Miscellany*, vol. vi. pp. 323–360.

[3] For the reference to the *Governance of England* (under the alternative title) *cf.* the above-mentioned tract on Grand Juries by Lord Somers.

of men to govern, before there can be a king elected by them to govern them.'[1]

In 'Reflections upon the Opinions of some Modern Divines' Fortescue is quoted in support of the contention that absolute power is not believed or received in England.[2] Similarly Fortescue is mentioned in a tract entitled 'An Historical Account of some things relating to the Nature of the English Government and the Conceptions which our Forefathers had of it.' He is quoted to prove the view that the Kings of England were kings by virtue of an original compact, and stress is laid on his distinction between royal and political power.[3]

The influence of Fortescue's works in the eighteenth century may be quickly traced. In 1714 the 'Governance of England' (or the 'Monarchia') was for the first time printed, under the editorship of Mr. Fortescue Aland, afterwards Lord Fortescue of Credan. A second edition was issued five years later. The editor states in his preface that he saw the MS. of the 'Monarchia' in the Bodleian Library among the Selden MSS., and had a transcript made, which he collated with three other MSS. The tone of the preface is, as might be expected from the date, strongly Whig: complacency could hardly go further than in the following rhapsodies on the law and constitution of England:

'Now of all the Laws by which the Kingdoms of the Earth are governed, no Law comes so near this Law of Nature and the divine Pattern, as the Law of England; a system of Laws, so comprehensive, so wise, so favourable to the Subject, and yet so strongly guarding the Prerogative of the Prince, that no Nation does enjoy the Like.' (P. iii.)

'Our Scheme of Government is without doubt, the noblest, most just, and most exact, that perhaps ever was contrived; for it provides for the Security and Happiness of every Individual, though never so inferior, and yet at the same time establishes the Glory of the Prince; it secures the Liberty of the People,

[1] *State Tracts*, vol. i. p. 389.
[2] *Ibid.*, p. 507.
[3] *State Tracts*, vol. i. pp. 591, 592, 594.

and yet strengthens the Power and Majesty of the King.' (P. xxxiv.)

In 1737 a much improved edition of 'De Laudibus' was published by Mr. Francis Gregor of Trewarthennick with a new translation, preface, and notes (in addition to the notes by Selden). A second edition of the English part of the work, together with a reprint of the 1737 Latin text, appeared in 1741. In 1775 an octavo edition was published, which was a reprint of the 1741 edition without any new matter.

The publication of these editions shows that Fortescue was still read, but it is obvious that in the eighteenth century his fame was overshadowed by that of greater men, Coke and Blackstone among lawyers, and Hobbes, Locke, Montesquieu and Burke among political writers.

In the nineteenth century his memory has been preserved by several notable editions of his work. In 1825 Mr. Amos, a barrister of Lincoln's Inn, republished Gregor's translation and text of 'De Laudibus' with notes of his own: these naturally bear traces of the influences of Bentham. Another edition of this work was published at Cincinnati in 1874. In 1869 Lord Clermont printed the magnificent edition of all Fortescue's extant works, with elaborate details as to the history of the Fortescue family. In 1885 Mr. Plummer placed all students of English fifteenth-century history under a debt of gratitude by his edition of the 'Governance of England,' which is a model of scholarly and sympathetic treatment. The contrast between Mr. Plummer's commentary and that of Mr. Waterhouse is some measure of the progress made by historical study since the seventeenth century. The modern editor is concerned to trace out the origin and bearing of Fortescue's views, not to twist them into a support for his own.[1] Another edition of some interest is the German translation of the 'Monarchia' by Dr. W. Parow under the title 'Über die Regierung

[1] Mr. Plummer had the advantage of being able to illustrate Fortescue's text by means of the *Paston Letters*.

Englands.'[1] In conclusion, mention may be made of Mr. Sidney Low's treatise, 'The Governance of England': the title is borrowed from Fortescue, and reference is made to him in connection with the duties and oaths of the King's Councillors and the root-idea of limited monarchy.[2] Thus the influence of 'our text-master' has been brought down to the twentieth century.

It now remains to summarise and account for the extent of the influence exerted by Fortescue's writings. As a lawyer he has ever been held in high repute, as may be seen from the frequency with which he is mentioned in Year Books and Law Reports.

'Fortescue and Littleton,' Dr. Holdsworth remarks, 'were not perhaps better lawyers than many others of their day, but their fame has been perpetuated in books which can be ranked with the legal classics of an earlier age. Fortescue was a jurist, Littleton was a common lawyer. Both in different ways have helped to make the common law as we see it to-day.'

To Sir Edward Coke the 'De Laudibus' was 'worthy of being written in letters of gold,' and the Address to the Reader in the first printed edition, 1537, speaks of it as containing 'politicarum et civilium nostre Anglie legum . . . doctissimum encomion.' Fortescue's authority was so unchallenged among members of his own profession that he could be freely quoted, as has been shown above, by men on opposite sides in the great seventeenth-century struggle. Fortescue's work as a constitutional writer is of equal, if not greater, importance. Though his political philosophy did not get beyond the commonplaces of scholasticism, yet when he describes the actual conditions of his own day he throws invaluable light on a troubled and momentous period of English history. There is good reason for thinking that his works had some influence on the development of

[1] No. 10 in the *Sammlung älterer und neuerer staatswissenschaftlicher Schriften des In- und Auslandes. Herausgegeben von Dr. Lujo Brentano und Dr. Emanuel Leser.* Leipzig. 1897.

[2] Pp. 22, 23, 265 of Mr. Sidney Low's *Governance of England*, 1904.

the early Tudor monarchy, and in the seventeenth century they undoubtedly contributed to the preservation of English liberties. There is truth in the concluding lines of the epitaph placed in 1677 over Fortescue's tomb at Ebrington :

> ' Vivit adhuc Fortescutus laudatus in Ævum
> Vivit et in Legum laudibus ille suis.'

And succeeding centuries have endorsed the verdict of an admirer who wrote in a copy of the 1599 edition of the ' De Laudibus ' the lines :

> ' Legis en nostrae tibi forte-scutum
> Sive rem spectes, seriemve scripti,
> Sive scriptoris placeat notare
> Nobile nomen.' [1]

The influence of Fortescue's two brief treatises has now been traced from the fifteenth century to the present day. The stream is doubtless narrow, but it has never ceased to flow. It remains to give some answer to the question, why have these treatises been read and valued, when so many other works of similar scope lie forgotten ? The answer must needs be tentative ; no one can say precisely why one book lives and another dies ; survival is often a question of chance as well as of merit. But there are reasons which go some way to explain why two of Fortescue's works have escaped oblivion. The first is their brevity. ' A great book,' said Callimachus,' is a great evil ' : it is also a great expense. In the early days of printing, a short treatise such as the ' De Laudibus ' had a far better chance of being published than a lengthy MS. that would result in a cumbersome folio beyond the means of the ordinary law student or country gentleman. It is unfortunate that the ' Governance of England ' should not have fared so well in the matter of publication as its companion treatise. The reason why it was not printed till the eighteenth century probably is that, though its historical value is undoubtedly greater than that

[1] Quoted on p. xlix of the Cincinnati (1874) edition of the *De Laudibus*.

of the 'De Laudibus,' its practical value was certainly less. Nowadays legal knowledge is in the main confined to the legal profession. But in Fortescue's day and long afterwards any person of education had a very considerable acquaintance with law of one kind or another—common, civil, or canon. 'The varieties of law, and their relations to one another, were much in the minds of statesmen in Henry VII's reign, and the Chancellor generally touched on the subject in his opening speech to Parliament.'[1] English housewives, even, such as Margaret Paston, had a very respectable knowledge of law, far greater in fact than their successors have at the present day. In the fifteenth century at any rate such knowledge was indispensable: Agnes Paston, writing in 1445 to her son Edmund, advises him 'to thynkk onis of the daie of youre fadris counseyle to lerne the lawe, for he seyde manie tymis that ho so ever schuld dwell at Paston, schulde have nede to conne defende hymselfe.'[2] Now as an introduction to the study of law, Fortescue's treatise possesses undoubted merits: it makes the reader feel that the study of the law is well worth while, and that up to a certain point it is not beyond any student of average ability. Many more pretentious text-books, whether of law or other subjects, have failed to produce this initial effect. Again, the dialogue form certainly lends interest to the work: it tends to clearness of expression; it also ensures that the writer keeps in mind, throughout, the class of reader he is addressing. Thus brevity and serviceableness are two merits of Fortescue's work.

A third merit is insight, the result of many years of hard work at the technicalities of the law. Only a lawyer thoroughly versed in his profession could have written the 'De Laudibus'; a man with less knowledge would have been afraid of writing simply and would probably have produced a book bristling with technicalities and utterly

[1] Prof. Pollard in *The Reign of Henry VII from Contemporary Sources*, vol. i. p. xxx. *Cf.* pp. 62, 108, 145, 234.

[2] *Paston Letters*, ed. Gairdner, vol. i. No. 46.

unsuited to its purpose. In the 'Governance of England' Fortescue's insight is even more noteworthy. Dr. Holdsworth says with justice :—

'Fortescue's analysis of the causes of the weakness of the Lancastrian government is masterly. It led to practical suggestions because it was not from books alone that Fortescue derived his inspiration.'[1]

A fourth reason may be found in the varied aspects of Fortescue's career as judge, councillor, confidential adviser, and exile. In his works we find traces of all these vicissitudes ; they have a flavour and richness, as it were, which is born of experience and which no mere study, however ardent, can give.[2] Yet again, we may attribute some of Fortescue's success as a writer to his clearness of expression : we are never at a loss, at any rate in the non-philosophical portions of his work, to understand his meaning. Once more, he has appealed to Englishmen because he possesses some characteristically English qualities. He is firmly convinced that English laws and institutions are the best in the world ; also, though he follows mediaeval fashion sufficiently to begin with Justinian and Helynandus, or with Nimrod and St. Thomas Aquinas, yet with all convenient speed he quits authorities for actualities. Doubtless his theory of government is crude in the extreme,[3] but the strength of English political thought has lain in other directions than in the discussion of the ideal form of govern-

[1] Holdsworth, *History of English Law*, vol. ii. pp. 481–2.

[2] *Cf. Cambridge History of English Literature*, vol. ii. p. 297. 'His travels with the fugitive royal family had shown the observant chief justice something of Scottish and more of French modes of government. As he compares the French absolute system with the noble constitution of England, his political philosophy becomes practical, and he endeavours to apply theory to the actual conduct of government, giving us by the way pictures of the life and the law-courts of England as he had known it.'

[3] *Cf.* Sir Frederick Pollock, *Introduction to the History of the Science of Politics*, p. 56. 'The king is head of the body politic, but can only act according to its constitution and by the appropriate organs in each case. And it is said in general terms that the king's power is derived from the consent of the people. But the question where political supremacy really lies is not followed up.'

ment.[1] What chiefly interested Fortescue was the actual working of laws and institutions: he noted the working of the Council in the fifteenth century, just as Bagehot noted the working of the Cabinet in his own day. He took the institutions of his country as he found them, and pointed out how their efficiency might be increased: like Burke, he did not regard the constitution as 'a standing grievance to be redressed and abolished.' In essence there is indeed much similarity between the tempers of Fortescue and of Burke. The chapters of the 'Governance of England' that deal with revenue have precisely the same aim as Burke's 'Speech on the Economical Reform.' In Fortescue's day the Crown did not get its fair share of the national wealth; in Burke's day the tax-payer did not get fair value for his money. Different as were the circumstances in which the two reformers worked, both aimed at economical and efficient administration. Fortescue's maxim that 'þer mey no reaume prospere or be worshipfull under a poure Kynge' may be set beside Burke's eulogy of 'principle, method, regularity, economy, frugality, justice to individuals and care of the people.'[2]

In conclusion, it is not fanciful, perhaps, to attribute some share in the lasting influence of Fortescue's treatises to the character of their writer. No one can read them without feeling that they are the work of an honourable and kindly Englishman, a loyal servant of his sovereign, and a credit to the profession which he loved. Unlike most lawyers, he was a partisan; but he was an Englishman before he was a Lancastrian, and like the great statesman of our own day, he was one

> 'that loved his party well,
> But loved his country more.'[3]

[1] *Cf.* Sir Frederic Kenyon in his recent Rede Lecture. 'Our love of truth is for practical truth, for truth that will work, not for speculative or abstract truth.'

[2] Burke, *Works*, Bohn edition, vol. ii. p. 60.

[3] Sir Owen Seaman. To the Memory of Joseph Chamberlain, in *Punch*, July 15, 1914.

And he loved not his party only, nor his country only, but also his fellow-man. Witness his noble denunciation of the wickedness of torture, and the moving passage in which he describes the unending remorse of the judge who through precipitancy had condemned an innocent woman to death. In these days such passages come home to us with peculiar force: we may realise more fully than did even our forefathers that the Statute Law of England 'does not flow solely from the mere will of one man as the laws do in those countries which are governed in a despotic manner';[1] and we may thank Fortescue for the words which sum up the assurance of generations of English folk:—

'Blessed be God, this lande is rulid vndir a bettir lawe: and therfore the peple therof be not in such peynurie, nor therby hurt in thair persons, but thai bith welthe, and have all thinges necessarie to the sustenance of nature. Wherfore thai ben myghty, and able to resiste the aduersaries of this reaume, and to beete oþer reaumes that do, or wolde do them wronge. Lo this is the fruyt of *Jus polliticum et regale*, vndre wich we live.'[2]

[1] *De Laudibus*, c. 18 (quoted from the 1874 edition).
[2] *Governance of England*, c. 3 *ad fin.*

THE SOURCES AVAILABLE FOR THE STUDY OF MEDIAEVAL ECONOMIC HISTORY[1]

By E. LIPSON, M.A., F.R.Hist.S.

Read March 16, 1916,

I PROPOSE to give an account of the sources available for the study of the Economic History of England in the Middle Ages. I shall confine myself entirely to the printed materials which have become accessible within recent years. The year 1900 is a convenient starting point, though I shall not make the dividing line too rigid. My purpose is mainly to call attention to the publications which have not been utilized by economic historians writing before the present century.

Consider for a moment what are the older sources of evidence. They include such well-known authorities as Domesday Book, Statutes of the Realm, Parliament Rolls, Hundred Rolls, Rymer's 'Fœdera,' Mediaeval Chronicles, Manorial Rolls and Extents, and so forth. Now these afforded ample materials for the study of the manor, but the materials for the study of town life, on the other hand, were extremely deficient. We had the Records of Oxford, Nottingham, and Chesterfield, while for London we had the 'Liber Albus,' the 'Liber Custumarum,' and the 'Memorials of London.' In addition we had general histories of towns like Cambridge, Leicester, Yarmouth, York, and the rest, valuable so far as they went, but tantalizingly brief, if not completely silent, on points of fundamental interest; in short, more concerned with Roman origins than with the economic life of the old English boroughs. Lastly, we had the histories of a few London Companies, and of one or two provincial Companies. It

[1] In this Paper I am chiefly concerned with the economic history of English towns.

is for the study of municipal economy that the new material has proved so valuable and abundant, and it is to this, therefore, that I shall devote the greater part of this paper.

Even the bare enumeration of titles is impressive. In addition to the Records of Oxford, Nottingham, and Chesterfield, already mentioned, we have now the Letter Books of London, and the Records of Beverley, Bristol, Cardiff, Colchester, Coventry, Leicester, Northampton, Norwich, Reading, Southampton, and York. We have the Charters of Bristol, Cambridge, Dover, Hull, and Lincoln, the Charters of Yorkshire, and the first volume of the 'Regesta Regum Anglo-Normannorum.' We have fresh records of London Companies—the Barbers, the Carpenters, the Paviors, the Pewterers, and the Drapers—as well as the records of the Merchant Adventurers of Bristol, and the Hostmen and the Merchant Adventurers of Newcastle. We have an enormous mass of official publications, between fifty and sixty volumes of the Patent Rolls, over thirty Close Rolls, five volumes of the Charter Rolls, as well as Fine Rolls, Chancery Rolls, Inquisitions Post Mortem, and innumerable Reports of the Historical Manuscripts Commission. Further, we have a score of the Selden Society Publications, and a vast quantity of miscellaneous stuff—new Pipe Rolls, new Chronicles, the Crawford Catalogue of Tudor and Stuart Proclamations, and the Victoria County Histories.

In the space at my disposal it would be impossible to give an adequate account of the extensive material which the economic historian is now required to handle. But it is possible to illustrate the kind of material they contain, and to show its bearing on the different aspects of Mediaeval Economic History. First in importance for our purpose rank the Municipal Records.

The 'Records of Leicester' were edited by Miss Mary Bateson (1899). In some respects the development of Leicester was behind that of many other towns. Though one of the famous Five Boroughs, it did not acquire the

firma burgi, the most ordinary privilege of an emancipated borough, until the middle of the fourteenth century, and then only for a period of ten years.[1] But its records throw considerable light on the workings of the Gild Merchant—the most important commercial institution of the twelfth and thirteenth centuries. The earliest rolls of membership (1196) show, for example, that craftsmen—weavers, dyers, shearmen, tailors, and others—were freely admitted to the Merchant Gild.[2] They also indicate that, while the 'community of the gild' was distinct from the 'community of the town,' yet at Leicester at any rate the same officers governed both the borough and the gild—there was no duality of office, as there was at Ipswich.[3] On this point the older view needs to be modified. We can see how rigid was the line of demarcation between the gildsmen and the non-gildsmen from the fact that the former could not enter into commercial partnership with non-gildsmen,[4] nor advise them in the conduct of their business,[5] nor even accept work from country employers unless they were actually short of employment.[6] The Leicester Gild also maintained a strict control over industry. It laid down rules for the weavers and fullers,[7] fixed their wages,[8] and inflicted penalties for bad workmanship.[9] Although it allowed the weavers of Leicester to carry on their work after dusk, yet it stipulated that no defect must be found in the work[6]—a stipulation which explains why night work was generally prohibited, not in the interests of the gild-brethren, as Brentano thought,[10] but since (as the London Spurriers put it) 'no man can work so neatly by night as by day.'[11] There is no evidence of common bargains, or joint-stock purchases, at Leicester, but the gild-brethren had the right of 'lot,' that is, the right to share in the

[1] *Leicester Records*, ii. 149.
[2] *Ibid.*, i. 12.
[3] *Ibid.*, i. p. xliii.
[4] *Ibid.*, i. 88, 93.
[5] *Ibid.*, i. 92.
[6] *Ibid.*, i. 105.
[7] *Ibid.*, i. 89.
[8] *Ibid.*, i. 105, 186.
[9] *Ibid.*, i. 69, 105; ii. 195.
[10] *Gilds*, p. cxxx.
[11] Riley, *Memorials*, p. 226.

commercial transactions of other gildsmen, except those of the mayor.[1] Two other points merit attention. The first throws light upon the disintegration of the Merchant Gild. When the fullers are made to swear, in 1260, that they will hold no private morning-speech, we seem to get glimpses of the process by which the Gild Merchant gradually fell to pieces and was replaced by the Craft Gilds.[2] The second bears upon the vexed question of usury. The opinion has become widely accepted that the mediaeval usury laws did not retard the economic development of the Middle Ages, on the ground that opportunities for employing borrowed capital were exceptional. But the Leicester Records afford unmistakable evidence that capital was borrowed and employed for commercial purposes as early as the thirteenth century.[3] In many directions there were suitable openings for moneyed men to finance large undertakings, for example, the wool trade, the tin trade, the cloth manufacture, and among the Merchant Staplers and the Merchant Adventurers. Even in agriculture there was much more room for the investment of capital than is generally supposed.

Norwich, unlike Leicester, had no Merchant Gild, so that its Records add nothing to our knowledge in this respect; but this deficiency is more than compensated for in the abundant light thrown upon the structure and development of the Craft Gilds. The Records fill two substantial volumes, of which the more important for economic history is the second volume published in 1910, with an exhaustive and admirable introduction by Mr. J. C. Tingey. The first volume furnishes material for the constitutional history of Norwich, but it also contains an important custumal, or code of by-laws, which illustrates the remarkable control exercised by mediaeval authorities over the minutest details of economic life. One clause shows how the right of 'lot' was abused by the practice of sending servants to claim

[1] *Leicester Records*, i. 180, 271.
[2] *Ibid.*, i. 90.
[3] *Ibid.*, i. 91.

shares in commercial transactions.[1] Another clause relates to the 'colouring' of goods[2]—that is, acting as factors for strangers; while brokers and others were ordered not to buy goods from country folk unless they were prepared to pay for them at once.[3] The authorities of Norwich at first opposed the growth of Craft Gilds, and obtained a charter from Henry III (1256) suppressing the gild system.[4] Eventually (1286) this policy was found impracticable, and instead the crafts were placed under the control of the city authorities.[5] The relation between the craft organizations and the governing body of the town has been the subject of some controversy, but the evidence of Norwich, supported by other evidence, disproves Brentano's statement that the crafts.' retained everywhere the independent government and jurisdiction over their trade.'[6] On the other hand, it would be wrong to suppose that the authorities invariably lived up to the strict letter of their numerous and detailed regulations. The author of the 'De Antiquis Legibus Liber' complains that London magistrates accepted bribes,[7] and the people of Coventry were so indignant at the laxity with which criminal bakers were treated, that they threw loaves at the mayor's head.[8] This was one way of paying off old scores, and doubtless it was more effective than merely drawing up a comprehensive indictment as the Nottingham jury did in 1396.[9] We may also infer from the accounts of the Norwich Leet Court[10] that, even when fines were levied, it was exceedingly difficult to enforce payment. Of the organization of a Craft Gild we learn more from the Norwich Records than from any other source. We discover how the wardens were appointed,[11]

[1] *Norwich Records*, i. 184 (c. 38).
[2] *Ibid.*, i. 187 (c. 41).
[3] *Ibid.*, i. 186 (c. 40).
[4] *Ibid.*, i. 18.
[5] *Ibid.*, i. 192 (c. 46).
[6] *Gilds*, p. cxxiii.
[7] *De Antiquis Legibus Liber*, pp. 122, 145, 159.
[8] *English Historical Review*, ix. 635.
[9] Stevenson, *Nottingham Records*, i. 315 *seq.*
[10] *Leet Jurisdiction in Norwich*, ed. W. Hudson, p. xl.
[11] *Norwich Records*, ii. 279.

and the kind of oaths they took; [1] we hear about an assembly which met four times a year,[2] and a common council which framed ordinances for the rule of the mistery.[3] It is clear, moreover, that the Craft Gilds were not in their origin exclusive and monopolistic bodies; their doors were open to all who paid their dues and submitted to their control. In tracing the evolution of the gild system we must only use with the greatest caution the famous method of inquiry which proceeds from the 'known' to the 'unknown.' What is true of the Craft Gild in the fifteenth century is not necessarily true of the same gild in earlier times, and we must not speak of privileges where men of the thirteenth and fourteenth centuries saw only burdens. The problem which exercised gildsmen in the early Middle Ages was not how to keep craftsmen out, but how to bring them in. Even much later we find the authorities of Norwich insisting that no one shall be *compelled* to join the gild unless 'he be in substance and value of goods meet for the same.'[4] The Gilds of Norwich are also seen in the later stages of their development, when they endeavoured to exclude outsiders from their ranks. We are shown how the heavy charges imposed on new members drove the artisans to set up outside the towns in suburbs or country districts. At Oxford the admission fine of a cordwainer was trebled between the accession of Henry VII and that of Elizabeth; and he had also to expend twenty-two shillings on a dinner for the occupation.[5] The Oxford Recorder, perhaps with an eye to posterity, protests that this lavish hospitality was spontaneous, but the Norwich Records make it abundantly clear that these feasts were really compulsory. The authorities condemned the practice in 1495,[6] but a generation later Norwich was said to be 'sore decayed' owing to the financial oppression of the gilds, and a vigorous

[1] *Norwich Records*, ii. 315.
[2] *Ibid.*, ii. 284.
[3] *Ibid.*, ii. 279.
[4] *Ibid.*, ii. 113.
[5] *Archæological Journal*, vi. 268 (and *n.* 7).
[6] *Norwich Records*, ii. 105.

attack was made on them in 1531.[1] Other interesting points in this volume deal with apprenticeship [2]—for example, if an apprentice married without the master's permission, his term was to be doubled; with the idle journeyman;[3] with unemployment;[4] with the exaction of fines for bad workmanship;[5] with the amalgamation of crafts;[6] and with Sunday marketing.[7] The documents relating to the relief of the poor establish the important fact that the municipalities were ahead of the State in coping with the problem of pauperism. A compulsory poor-rate was not instituted by law till 1572, but it was already enforced at Norwich as early as 1549.[8] Again, the discrimination made between the professional pauper and those unable to find work also anticipates Elizabethan legislation.[9] New light is thrown in these Records upon the worsted trade, of which Norwich was the most famous centre; upon the development of the New Draperies in the sixteenth century; upon the Dutch immigrants;[10] and upon the growth of capitalism in the Woollen Industry.[11]

If we learn a great deal about the Craft Gilds from Norwich, we may learn something that is new about the Yeomen Gilds from Coventry. The 'Coventry Leet Book' is edited by Miss M. D. Harris (1907–1913), who had already given us a foretaste of its contents in her history of Coventry.[12] Most interesting of all are the Ordinances of the Cappers, who carried on an incessant feud with their journeymen. I would draw particular attention to the disputes over the hours of labour. In 1526 the Cappers complained that

[1] *Norwich Records*, ii. 111 (cciv).
[2] *Ibid.*, ii. 28.
[3] *Ibid.*, ii. 104.
[4] *Ibid.*, ii. 144.
[5] *Ibid.*, ii. 284.
[6] *Ibid.*, ii. 280.
[7] *Ibid.*, ii. 87, 406.
[8] *Ibid.*, ii. 126.
[9] *Ibid.*, ii. 132.
[10] See the *Extracts from the Book of Dutch and Walloon Strangers*, printed in vol. ii.
[11] *E.g.*, *ibid.*, ii. 381 (formation of a company for the manufacture of hats).
[12] *Life in an Old English Town* (1898).

their journeymen were not regular at their work ;[1] and the inference at once suggests itself that the men were using their union to reduce their working-hours. Fortunately the earlier Ordinances of the Cappers have been preserved, and they show that the masters had lengthened the hours from twelve to fourteen.[2] It is fair to assume, then, that the journeymen gilds were called into existence not less from the fear of economic degradation than from the hope of economic advancement. The conflict between the journeymen gilds and the municipal government, which supported the authority of the masters, is abundantly illustrated at Coventry.[3] The remarkable feature of this conflict is the vitality displayed by the gilds in the face of such strenuous opposition. Under Edward VI the State came to the assistance of the local authorities, and in the Statute of 1548 we have an anticipation of the Combination Acts of the eighteenth century. At Coventry, as at Norwich, the municipal records bear striking testimony to the supremacy of the civic authorities in the supervision and control of all economic concerns. The crafts were required to submit their ordinances annually to the mayor and to register them ;[4] and in several cases ' master mayor ' appointed either one or both the wardens,[5] and received presentments of defective wares.[6] On the other hand, the gild could turn to the authorities for support against a refractory member, and at Coventry offenders who refused to pay their fines were brought before the magistrates.[7] A few other points in these Records deserve mention. Among the Cappers of Coventry it was the duty of the wardens to carry out an annual visit of inspection among the workshops, and put the apprentices through an examination ; and those apprentices who were not properly cared

[1] *Coventry Leet Book*, iii. 693.
[2] *Ibid.*, ii. 574 ; iii. 673.
[3] *Ibid.*, iii. 653, 656, 687, 694, 792.
[4] *Ibid.*, i. 29, 32 ; ii. 418 ; iii. 645.
[5] *Ibid.*, iii. 669, 703, 712, 793.
[6] *Ibid.*, ii. 554.
[7] *Ibid.*, iii. 654.

for were placed with some other master.[1] We also see how the expansion of industry was causing the system of house-to-house search to break down, for a place was provided at Coventry where work was to be brought two days a week to the searchers.[2] It was a common rule, not only at Coventry but elsewhere, that anyone admitted to a gild should bind himself by an oath to keep the ordinances of the craft, and for this purpose ordinances were sometimes enrolled in the registers of ecclesiastical courts.[3] But the Coventry gilds are said to have abused this power by suing their members in spiritual courts for breaking ordinances which were often unreasonable. Although the practice was forbidden,[4] there is evidence to show that it was still continued.[5] It is well known that the Livery Companies were ruled by a court of Assistants, but it has not been observed before, I think, that the Craft Gilds were also ruled by councils, usually composed of twelve members. There are two examples of this at Coventry—among the Smiths and among the Cappers ;[6] and there are other examples at Norwich, Bristol, and Shrewsbury.[7] I have already alluded to the amalgamation of crafts at Norwich, and in a great many cases there can be little doubt that amalgamation was due to the scanty roll of membership. But Coventry gives us one instance where it was the result of economic forces : in 1435 a union of iron-workers was formed to enable certain employers to engross the whole trade in their hands, and establish their control over all engaged in the four different branches of the industry.[8] The rigid protectionist policy of English mediaeval towns often gave rise to a conflict between the producer and the consumer. One fundamental difference between the economic system of the Middle Ages and the economic system of the present

[1] *Coventry Leet Book*, iii. 671, 673.
[2] *Ibid.*, iii. 657.
[3] Lipson, *Economic History*, i. 314.
[4] *Coventry Leet Book*, ii. 302.
[5] *Ibid.*, ii. 418.
[6] *Ibid.*, iii. 743, 792.
[7] Lipson, *Economic History*, i. 313 (*n.* 2).
[8] *Coventry Leet Book*, i. 180-1.

day is that, speaking generally, the former was organized in the interests of the producer, while the latter is based upon the interests of the consumer. This generalization needs, of course, large qualifications, but it is interesting to remark the struggle carried on at Coventry between the free-trade party and the victualling and other crafts.[1] It has a parallel in the struggle at London, to whose records I shall now turn.

The 'Letter Books' of London have been calendared in twelve volumes by Mr. R. R. Sharpe. Their contents were not of course unknown to historians, since Riley, in his 'Memorials of London' (1868), had published a large number of excerpts from the 'Letter Books,' thus supplementing the 'Liber Albus' (1859) and the 'Liber Custumarum' (1860). It is hardly necessary to say that the 'Letter Books' are an indispensable source of evidence for the history of London, and they possess the greatest value for Economic History. Here I can only give a few illustrations of the wealth of material which they contain.

The most valuable of the 'Letter Books' is perhaps 'Letter Book H.' which deals with the struggle of the London gilds for supremacy during the opening years of Richard II's reign. This struggle explains, I think, what hitherto has been so obscure, the vacillating attitude of Richard's government towards aliens.[2] The victuallers, who were protectionists, supported the King, while the non-victuallers, the free-trade party, belonged to the opposition led by John of Gaunt. This strife of London factions —associated with the names of Nicholas Brembre and John of Northampton, each in turn mayor of the city—is reflected in the history of Parliament during the period, and indicates the marked influence which London was beginning to exercise over the course of parliamentary proceedings. At the same time it shows how the fourteenth century was a period of transition in the history of the London crafts.

[1] *Coventry Leet Book*, i. 24; iii. 780, 795, 803, 807.
[2] Lipson, *Economic History*, i. 454–5.

It opened with the submission of the Weavers to the city authorities; it ended with the submission of the Fishmongers, the most independent of all London gilds. The same 'Letter Book' also clears up a misconception for which Herbert was originally responsible, and which has misled later historians. I refer to the well-known statement that in 1385 the mayor of London disfranchised a number of artisans for 'encroaching on the business of merchants.'[1] In point of fact these men were already dealers, and were disfranchised for seeking admission to the franchise of the city through a gild other than their own to avoid the payment of high fees.[2]

The reign of Richard occupies a place of great importance in manorial history as the period when the problem of villeinage became extremely acute. It is therefore not surprising to find increased stress laid upon the regulations that villeins should not be accepted as apprentices or be elected to judicial offices.[3] Villeins were not the only class excluded as such from rights of citizenship. The city of London carried on one long struggle with alien merchants, more particularly from the accession of Edward I to the end of the fourteenth century. When Edward I sought information in 1300 as to the position of the merchants of Bordeaux, the citizens of London roundly declared that foreign merchants ought not to reside on the premises which they hired for the purpose of storing merchandise, but in the houses of citizens only, and this for the space of forty days and no more.[4] They strongly resented the Carta Mercatoria (1303), the Magna Carta of foreign traders, and even refused to appoint collectors for the new customs in the city.[5] In 1368 the sheriffs were ordered to make proclamation for the due observance of the Act of 1531.[6]

[1] Herbert, *Livery Companies*, i. 30 *n.*; Cunningham, *Growth of English Industry and Commerce*, i. 383; Ashley, *Woollen Industry*, 57.

[2] *Letter Book H*, 257 *seq.*

[3] *Ibid.*, 309.

[4] *Letter Book C*, 80.

[5] *Ibid.*, 135.

[6] *Letter Book G*, 231.

This they did not venture to do, and so angry were the Londoners that they condemned a man to the pillory for spreading rumours that merchant strangers were allowed to trade as freely as citizens.[1] The disabilities imposed on merchant strangers were not confined in mediaeval times to aliens in the modern sense of the term. It was immaterial to the townsmen whether the stranger within their gates was an Englishman from a neighbouring town or a foreigner from beyond the sea. Hence it was an enormous advantage to belong to a chartered borough whose citizens enjoyed the right to carry their merchandise throughout England quit of toll. It has been supposed that this privilege was really a dead letter.[2] But the 'Letter Books' clearly demonstrate that exemption from toll was a normal and familiar practice.[3] They also seem to disprove the view held by Dr. Gross[4] that the validity of the privilege depended upon the date of the charter, for the charter of London was the oldest in England. There is thus a strong presumption that the degree of free trade enjoyed by Englishmen and others in the Middle Ages has been unduly minimized.

London apparently never had a Merchant Gild. A document has recently come to light containing mention of a London Gild Merchant in 1252,[5] but this is too exceptional to be conclusive, and is probably an error of the clerk who drafted the charter. The absence of a Merchant Gild is partly due to the fact that the Craft Gilds developed more rapidly in London than elsewhere in England; indeed in the fourteenth century they even became for a time the basis of municipal organization. In 1351 and 1352 the members of the London common council, previously elected from the wards, were now

[1] *Letter Book G.*, 283.

[2] Ashley, *Economic History*, ii. 44.

[3] *Letter Book C*, 106, 133; *Letter Book D*, 299; *Letter Book F*, 176; *Letter Book I*, 70.

[4] *Gild Merchant*, i. 44 (*n.* 6).

[5] *English Historical Review*, xviii. 315.

elected from the misteries.[1] In 1376 power was again transferred from the wards to the misteries,[2] but in 1384 the older system was restored. There was evidently a reaction in this year against the influence of the misteries, for they were forbidden to choose more than eight persons from the same mistery,[3] while in 1475 it was laid down that two aldermen of the same mistery could not be nominated together for the mayoralty.[4] From the 'Letter Books' we can also glean information concerning apprentices;[5] the relations between masters and journeymen;[6] the imposition of fines on labourers and artificers for infringing the Statute of Labourers;[7] the benefactions of wealthy citizens in the reign of Henry VI;[8] the attempt of the London common council to prevent citizens sending their wares to fairs and markets outside London;[9] and the disputes over the collection of tolls at Bartholomew Fair.[10] Instances of direct intercourse between London and towns on the Continent[11] serve to emphasise the fact that mediaeval commerce was inter-municipal and not international.

London has always enjoyed a unique position not only as the capital of England, but as the foremost town in wealth and commercial standing. Next in importance to London ranked Bristol, the greatest trading port in the

[1] *Letter Book F*, 237 (1351). *Letter Book G*, 3 (1352).

[2] *Letter Book H*, 36. [3] *Ibid.*, 227.

[4] *Letter Book L*, 132.

[5] *Letter Book G*, 180 (prohibitive fees for mastership). *Letter Book I*, 250 etc. (physique). *Letter Book K*, 200, 375 (number of apprentices limited).

[6] *Letter Book H*, 226 (proclamation against journeyman gilds); *Ibid.*, 311 (Cordwainers); *Ibid.*, 431–2 (Saddlers). *Letter Book I*, 136, 187 (Tailors). *Letter Book K*, 263–6 (Bakers); *Ibid.*, 290 (Weavers). *Letter Book L*, 67 (Butchers).

[7] *Letter Book G*, 115–118.

[8] *Letter Book K*, 49, 53, 313, 356.

[9] *Letter Book L*, 240, 242. See also *Statutes*, ii. 518.

[10] *Letter Book H*, 70. *Letter Book K*, 354. See also *Calendar of Fine Rolls*, i. 313.

[11] *Letter Book I*, 257. *Letter Book K*, 270–271.

West of England. The 'Little Red Book of Bristol' was edited in two volumes by Mr. F. B. Bickley in 1900. In the light of the valuable information contained in them, we can readily understand the indignation of Toulmin Smith at the refusal of the Bristol town council to allow him to print excerpts from their records in his well-known volume on the English Gilds. The first volume contains not only a treatise on the *Lex Mercatoria*,[1] but also a town custumal drawn up in 1344. One clause is worth noting: 'Henceforth no bakers be admitted to the liberty in any way . . . unless he shall be willing to abjure his business first.'[2] This clause is marked *vacat*, but it indicates that in some towns certain callings may have been a disqualification for citizenship. On the other hand the weavers, over whose position in early times so much controversy has raged, were in no way disqualified at Bristol by their occupation; on the contrary, they were only allowed to weave cloth on condition that they became burgesses.[3] The second volume is full of craft ordinances. The rules enforced by the weavers[4] illustrate the minuteness with which mediaeval industry was regulated, and the importance attached to the work being carried on 'in sight of the people,' and not in upper rooms or cellars. They bring out one of the best features of the gild system—the importance attached to the production of well-wrought articles. There is ample evidence in these records of the subjection of the gilds to the town authorities, who appear to have retained in their hands the right of coercive jurisdiction over the gild-brethren in matters of trade,[5] and who also ratified and amended gild ordinances.[6] In some cases the Craft Gilds themselves demanded that their ordinances should be stamped by the magistrates' common seal, in order to give

[1] The statement in the *Lex Mercatoria* (*Little Red Book of Bristol*, i. 57) that the competence of the Piepowder Court did not extend to pleas of land is inaccurate. Cf. *The Charter of Edward III* (ed. G. W. Kitchin), 53.

[2] *Little Red Book of Bristol*, i. 36.

[3] *Ibid.*, ii. 4.

[4] *Ibid.*, ii. 1 *seq.*

[5] *Ibid.*, ii. 4, 113, 185.

[6] *Ibid.*, ii. 1, 80, 88, 100, 170, 183.

their regulations, as it were, the colour of official authority.[1] But municipal control did not always succeed in preventing the disintegration of the gild system. In 1438, for example, the Cordwainers confessed that they had ceased to appoint wardens according to their ordinances, and were in evil plight.[2] It was difficult to induce members to attend meetings of the gild, a fact which largely helps to account for the rapid development of those oligarchical tendencies which were always latent in the gild system. The disintegration of the Craft Gild is also revealed in the controversies between masters and men over wages. These disputes became frequent after the Black Death, and the demand of the workmen for higher wages coincided with the rise in the cost of living, though it may have been partially due to the desire to share the prosperity now enjoyed by the agricultural labourers. The Cobblers of Bristol, for example, made bitter complaint in 1364 that their servants were defying the Statute of Labourers,[3] and there was also trouble among the Fullers.[4] In the case of the Cordwainers we can trace the history of the disputes between masters and men over a considerable period. In 1408 the masters alleged that their journeymen absented themselves from their work without leave, or left their service without reasonable notice. They were also charged with demanding extortionate salaries.[5] The next stage (1429) was when the men formed a union of their own, appointed wardens and surveyors to rule over them, and made ordinances which were submitted to the mayor for ratification.[6] A few years later (1438) chaos reigned in the Cordwainers' craft, which was evidently on the point of dissolution.[7] In 1453 renewed controversy broke out over the maintenance of lights upon the altars of saints, and the men seem to have asserted their right to make independent

[1] *Little Red Book of Bristol*, ii. 119, 152.
[2] *Ibid.*, ii. 168.
[3] *Ibid.*, ii. 42.
[4] *Ibid.*, ii. 76.
[5] *Ibid.*, ii. 107.
[6] *Ibid.*, ii. 147.
[7] *Ibid.*, ii. 168.

financial arrangements.[1] Apart from the light which is thrown upon the Craft Gilds, the Records of Bristol afford information on many other matters. They contain a long list of towns enjoying immunity from toll[2]—an additional proof that the privilege was a real one—while an agitation against the employment of women workers led to its prohibition in 1461.[3] A curious rule among the craft of Hoopers forbade 'rebels of Ireland' to be taken as apprentices.[4] Lastly, from the ordinances of the Weavers (1390)[5] it would appear that the customary method of payment among journeymen weavers was by piece-work instead of by a time-wage.

I now pass to York. The first volume of the 'Memorandum Book,' edited by Miss M. Sellers (1912), contains the ordinances of numerous Craft Gilds: among others, Weavers, Fullers, Girdlers, Founders, Coopers, Saddlers, Bowers, and Painters. It is worth while to observe that the ordinances of the York Pewterers were not drawn up separately, but were borrowed from those of the London Pewterers in 1416.[6] We know that English mediaeval towns were wont to adopt the customs of important boroughs like London, Winchester, Oxford, or Bristol, and it is interesting to find the rules which governed the craft of one town bodily transplanted to other towns. The most valuable contribution which these records make to our knowledge of the gilds is the unmistakable proof which they afford that in many cases wages were fixed by the crafts. At least five of the York gilds regulated the rates of payment for hired workmen; and I may add that the practice was not confined to York.[7] Among the ordinances of the Weavers is one which enjoins that a

[1] *Little Red Book of Bristol*, ii. 151.
[2] *Ibid.*, ii. 132, 199, 211 *seq.*, 232 *seq.*
[3] *Ibid.*, ii. 127.
[4] *Ibid.*, ii. 163.
[5] *Ibid.*, ii. 59.
[6] *York Memorandum Book*, i. 211.
[7] On the regulation of wages by the craft gilds, see Lipson, *Economic History*, i. 300–301.

master who sets up a new loom must pay 20s.[1] This tax, which we also find in other towns, is the probable explanation of the action of the authorities of Bristol in exacting 'divers sums of money' in 1339 from Thomas Blanket.[2] Their action has usually been attributed to racial jealousy of the Flemish artisans whom Edward III invited to England. It is well known that in London the term of apprenticeship lasted for seven years, and there is abundant evidence to show that this period had become general throughout the country long before it was made compulsory by law in 1563.[3] In the case of the Girdlers of York we can trace the different stages in the lengthening of apprenticeship. In 1307 a term of four years only was exacted; more than a century later (1417) the period was extended to seven years.[4] It is unusual to find a craftsman rebelling against his gild. An example is given in the York Records[5] (1405) of a shearman who refused to obey the searchers. The matter was submitted to the arbitration of the city magistrates, with the result that the authority of the gild was vindicated. I have already alluded to the employment of women workers. At York they had a large share in the woollen industry. One-fourth of the wool woven in York at the end of the fourteenth century is said to have been produced by women, and the Weavers' gild ordered that they should be well-taught and their competence duly tested.[6]

Southampton is fortunate in possessing a Record Society, an example which other towns would do well to imitate. The 'Court Leet Records,' edited by Professor Hearnshaw in 1905, illustrate the wide sphere of control exercised by the municipal authorities. Citizenship in mediaeval times carried with it heavy responsibilities, and the burgesses

[1] *York Memorandum Book*, i. 243.
[2] *Close Rolls*, 1339–1341, p. 311.
[3] The evidence is given in *Economic History*, i. 283, *n.* 4.
[4] *York Memorandum Book*, i. 181–182.
[5] *Ibid.*, i. 108. [6] *Ibid.*, i. 243.

were required to fill municipal offices, serve on juries, keep watch and ward, suppress riots and disorder, answer the call to arms in defence of the town, maintain and repair the walls, pave the streets in front of their houses, make bridges and highways, and perform many other public duties.[1] Minute regulations were laid down as to the pasturing of cattle,[2] and care was taken to prevent enclosure of the town commons.[3] We have always to remember that the agricultural element persisted in urban centres to a very late period. In the map of the mediaeval borough, and in the economy of the mediaeval burghers, the town-fields occupied a place no less vital for their well-being than the scanty area covered by their shops and houses. The broad acres and open fields, the meadows and pastures that lay beyond the walls, were an integral part of the townsmen's heritage. Among the numerous presentments recorded in this volume one is of special interest. As late as 1587[4] we find the jurors at Southampton complaining of the decay of those commercial practices known as ' lot,' which were intended to secure equality of opportunity and enable every burgess to obtain a share in trade sufficient to support him in that station of life to which it had pleased Providence to call him. As Professor Hearnshaw has pointed out in his ' Leet Jurisdiction in England ' (1908) the court leets ' regarded the enforcement of the gild ordinances as among the most important of their functions,'[5] a circumstance which indicates that, at Southampton at any rate, the connexion between the Gild Merchant and the court leet was extremely close.

Other volumes published within recent years by the Southampton Record Society include the famous ' Oak Book of Southampton ' edited by Professor Studer (1910). The most important part of the ' Oak Book '—the regulations of the Merchant Gild—had already been printed in

[1] *Southampton Court Leet Records*, 13, 102, 152, etc.
[2] *Ibid.*, 39–40.
[3] *Ibid.*, 2–4.
[4] *Ibid.*, 262.
[5] *Leet Jurisdiction in England*, 209.

Davies's 'History of Southampton' and in Gross's 'Gild Merchant.' The first volume contains the famous maritime code known as the Laws of Oleron, as well as a list of forty boroughs whose citizens were allowed to trade quit of toll.[1] The Table of Customs (*c.* 1300) printed in the second volume[2] enumerates among the commodities paying customs at Southampton 'cloth of Ireland,' which we may perhaps identify not with Irish cloth, but with the worsted cloth of Norfolk, to which the name 'Irelonds' is said to have been applied.

The 'Records of Northampton' were published in two volumes in 1898. The best thing contained in them is a lengthy custumal,[3] of which one-third was printed separately by Mr. C. A. Markham in 1895 under the title 'Liber Custumarum.' The first volume also gives the oaths taken by the wardens of the different crafts,[4] as well as a full account of a controversy in the woollen industry between the master-weavers and their journeymen.[5] Northampton affords a rare example of the governing body of the town assuming the initiative in the formation of a Craft Gild. Complaints were made of the disordered condition of the tailoring industry, and accordingly the authorities forced an organization upon the Tailors from above.[6]

The 'Beverley Town Documents,' edited by Mr. A. F. Leach, were published by the Selden Society in 1900. The Appendix contains the famous Laws of the Weavers and Fullers.[7] These were originally printed by Riley,[8] but the present version is based on an older manuscript (*c.* 1209) in the British Museum. It thus carries back these laws to the reign of King John, that is, a century earlier than the so-called Usages of Winchester,[9] which are sometimes quoted as evidence against them. Moreover the new

[1] *Oak Book of Southampton*, i. 6–21.
[2] *Ibid.*, ii. 6.
[3] *Northampton Records*, i. 197–430.
[4] *Ibid.*, i. 394–397.
[5] *Ibid.*, i. 268 *seq.*
[6] *Ibid.*, i. 278.
[7] *Beverley Town Documents*, 134.
[8] *Liber Custumarum*, i. 130–131.
[9] *Archæological Journal*, ix. 77.

version contains the important words: 'and this law they have of the freedom and of the custom of London as they say,' an indication that the laws applied not only to Winchester, Marlborough, and Oxford, but also to London. The Records contain a great number of interesting municipal regulations, of which I have only space to mention two. In 1493 it was enacted that 'no gentleman, yeoman or craftsman of the town of Beverley be taken to worship of the town, but alone that bears charge of clothing';[1] in other words, only members of the livery could be elected as town magistrates. This shows that at Beverley, as at London and York, the craft gilds were obtaining control of—and becoming identified with—the municipal body. Again, in 1390 it was 'ordered by the whole community' that all the craftsmen of the town should have their plays and pageants 'in the fashion and form of the ancient custom of Beverley.'[2] The injunction was soon disregarded,[3] and throughout the fifteenth century complaints are revived again and again in different towns that the pageants were falling into decay. The inner significance of this decline of gild pageantry must not be overlooked. The pageant was not only the outward symbol of the religious and social life of the fraternity, it was also an external sign of civic consciousness. Hence the waning loyalty of the gild-brethren to their obligations marked a weakening of that sense of solidarity, that co-operation of social and economic forces for the common welfare, which had made the Old English borough a storehouse of political ideas and a school of social discipline.

In the Middle Ages Beverley was one of the chief maritime towns of England; in 1377 it ranked eleventh in population, standing above Hull and Newcastle. Another town which has suffered eclipse is Colchester, of which the poet Drayton wrote that it was:

'On all the Essexian shore the town of greatest fame.'

[1] *Beverley Town Documents*, 59. [2] *Ibid.* 33. [3] *Ibid.*, 36.

Mr. Benham has edited 'The Red Paper Book of Colchester' (1902), 'The Charters of Colchester' (1904), and 'The Colchester Oath Book' (1907). The 'Red Paper Book' illustrates the kind of difficulties to which the expansion of the woollen industry was giving rise during the fifteenth century. One method of industrial oppression, for example, was to pay workmen according to the weight of the material delivered to them, and then defraud them by using false weights.[1] The ordinance in 1411 against truck,[2] or payment in kind, anticipated Edward IV's act by over half a century, and is another illustration of municipal enterprise leading the way, and furnishing a precedent for State regulation. 'The Colchester Oath Book' contains an agreement drawn up in 1338 between the borough and the monastery of St. John, in which the latter agreed to pay their share of the town assessments;[3] it thus embodied the determination of the burgesses to allow no evasion of the common liabilities. The question of taxation, however, was only one of the subjects of controversy between English towns and the mediaeval Church. It was more difficult to arrange a compromise in matters affecting jurisdiction, for any concession in this matter meant nothing less than the abdication of ecclesiastical authority. Thus at Gloucester, whose 'Corporation Records' were edited by W. H. Stevenson in 1893, the servants and tenants of the monastery were expressly exempted from civic control by a charter of Richard II.[4] This represents one side of the Church's influence in the Middle Ages. The other side is presented in the efforts made to prevent Sunday labour; for example, the shoemakers of Gloucester were forbidden by the bishop of Worcester to ply their trade on Sundays.[5] The records of three other towns may here be mentioned. Those of Cardiff, edited by J. H. Mathews, were published in 1898. The liberal customs granted to Cardiff by the earls of

[1] *Red Paper Book of Colchester*, 59.
[2] *Ibid.*, 17.
[3] *Colchester Oath Book*, 188.
[4] *Gloucester Corporation Records*, 14.
[5] *Ibid.*, 394.

Gloucester merit attention,[1] as well as various inquisitions and ministerial accounts. The 'Records of Reading,' edited by J. M. Guilding (1892), illustrate the condition of a town under monastic control. Members of the Merchant Gild were required to pay a yearly tax to the monastery,[2] and on one occasion the abbot even carried his authority to the extent of suspending the Merchant Gild, though he afterwards restored it in 1254.[3] Another point of interest is the controversy between the clothiers and the dyers because the former encroached upon the dyers' craft by setting up their own dye-houses.[4] The records of Chester are freely quoted in the admirable 'History of Chester' by R. H. Morris. This was published in 1890, but I draw attention to it here because its contents have been very little utilized by historians. The continuous decline of Chester in the fifteenth century can be traced in its financial history, the fluctuations in the amount of the *firma burgi*[5] serving as a useful index to the prosperity or decay of the older boroughs. Among other matters on which light is here thrown may be mentioned the Cycle of the Chester Mysteries:[6] 'common bargains,'[7] that is, joint-stock purchases:[8] commercial abuses, like the 'colouring' of goods,[8] regrating, and forestalling:[9] disputes between allied crafts:[10] the introduction of skilled artisans:[11] the history of the Chester gilds,[12] and of the Merchant Venturers:[13] strikes of bakers and butchers:[14] and the stormy relations between the master-weavers and their journeymen.[15] The difficulty of preventing breaches of the assizes is well illustrated in this volume—one offender, indeed, was presented continually for no less than twelve years.[16] Nor does the punishment

[1] *Cardiff Records*, i. 10.
[2] *Reading Records*, i. 107.
[3] *Ibid.*, i. 280.
[4] *Ibid.*, i. 379.
[5] Morris, *Chester*, 490, 511, 516, 521.
[6] *Ibid.*, 303 *seq.*
[7] *Ibid.*, 390–393.
[8] *Ibid.*, 393–395.
[9] *Ibid.*, 395–403.
[10] *Ibid.*, 404, 436.
[11] *Ibid.*, 408.
[12] *Ibid.*, 410 *seq.*
[13] *Ibid.*, 463–464.
[14] *Ibid.*, 416 *seq.*, 438.
[15] *Ibid.*, 405–408.
[16] *Ibid.*, 414.

of a victualler appear to have carried with it any discredit. An alderman, William Ball, was fined for the sale of beer on holy days. Yet the very next year he attained to the dignity of mayor, though after his tenure of office he was again fined because, while he was mayor, he had sold beer on Sunday during divine service.[1] Chester, in fact, appears to have been a town of unregenerate publicans; over 360 fines were inflicted in a single year, over 120 persons were fined in one session.[2] It is appropriate, therefore, that the only place where the 'cucking-stool' for the brewer of bad ale is mentioned in Domesday Book[3] is the city of Chester.

I have dealt at some length with municipal records, because they are of the first importance for the study of mediaeval town economy. They are supplemented by municipal charters—namely, those of Bristol,[4] Cambridge,[5] Colchester,[6] Dover,[7] Hull,[8] Lincoln,[9] and Southampton;[10] while in addition we have the Charters of Yorkshire.[11] One of the documents printed in the 'Early Yorkshire Charters' deserves particular mention. It has been supposed that the Weavers of York enjoyed the sole monopoly of cloth-making in the county of Yorkshire.[12] But Henry II's charter to the Weavers of York (1163) shows that other Yorkshire towns, Beverley, Scarborough, Kirkby, Malton, Thirsk, 'and my other demesne boroughs,' were also allowed to manufacture cloth.[13] The exercise of papal influence in this country is illustrated by a charter of 1155, in which

[1] Morris, *Chester*, 430. [2] *Ibid.*, 429–430.

[3] *Domesday Book*, i. 262 *b*.

[4] *Bristol Charters*, ed. J. Latimer (1909).

[5] *Cambridge Borough Charters*, ed. F. W. Maitland and M. Bateson (1901).

[6] *Charters of the Borough of Colchester*, ed. W. G. Benham (1904).

[7] *Dover Charters*, ed. S. P. H. Statham (1902).

[8] *Charters of Kingston-upon-Hull*, ed. J. R. Boyle (1905).

[9] *Royal Charters of Lincoln*, ed. W. de G. Birch (1911).

[10] *Charters of Southampton*, ed. H. W. Gidden (1909).

[11] *Early Yorkshire Charters*, ed. W. Farrer (1914).

[12] Gross, *Gild Merchant*, i. 108. Ashley, *Economic History*, ii. 251.

[13] *Early Yorkshire Charters*, i. 263.

Pope Adrian IV granted protection to those who frequented the fairs at Beverley.[1] Other charters of special interest are those making Cambridge and Lincoln the sole custom-houses in their respective shires, thus forcing the internal trade of the country into artificial channels in order to facilitate the collection of tolls.[2] In the charters of Bristol we can trace the process by which the *firma burgi*, the farm of the borough revenues, was first leased to the town itself, then entrusted to individuals, and finally was restored to the burgesses.[3] In his 'British Borough Charters' (1913) Mr. Ballard, whose recent death we have to deplore, analysed the town charters from 1042 to 1216. The method which he adopted of dissecting the charters, and classifying the privileges which they conferred under well-defined heads, greatly facilitates the study of charters. What Mr. Ballard did for Borough Charters had already been done for Borough Customs by Miss Mary Bateson in the two volumes published by the Selden Society in 1904. Miss Bateson also contributed a valuable introduction, though her legal exposition is not always borne out by the facts of actual economic practice.[4]

The histories of several London Companies have long been accessible—namely, the Carpenters, the Coopers, the Founders, the Goldsmiths, the Grocers, the Ironmongers, the Leathersellers, and the Merchant Taylors; while the ordinances of some minor Companies—the Blacksmiths, the Glovers, and the Shearmen—were printed by H. C. Coote in the 'Transactions of the London and Middlesex Archæological Society' (1874). For provincial Companies, on the other hand, the printed material was exceedingly scanty. For Bristol we had the Merchant Taylors, and the Guild of Weavers (1889); for Exeter the Merchant Venturers; for Hull the ordinances in Lambert's 'Two Thousand Years of

[1] *Early Yorkshire Charters*, i. 106.
[2] *Cambridge Borough Charters*, 3. *Royal Charters of Lincoln*, 14.
[3] *Bristol Charters*, 18, 116.
[4] Cf. Lipson, *Economic History*, i. 227.

Gild Life' (1891). Toulmin Smith's well-known volume on the 'English Gilds' (1870) is concerned chiefly with social and religious fraternities. New material has now become available for the following London Companies—the Barber Surgeons, the Pewterers, the Paviors, the Carpenters, and the Drapers. Among the entries in the 'Annals of the Barber Surgeons of London' may be noted the admission of women to the craft,[1] the control of apprentices,[2] and the conflicts with journeymen.[3] Among the ordinances of the Pewterers should be remarked the penalties for bad workmanship[4] and the limitation of the numbers of apprentices.[5] In 1438 the authorities cancelled the ordinances of the Pewterers on the ground that they had been made 'without the authority of the mayor . . . against the common profit'[6]—a further proof of the hold which the municipality maintained over the crafts. We gather from the records of this Company how early some of the yeomen gilds lost their independence. Ere the close of the fifteenth century the yeomanry of the Pewterers, though governed by their own wardens, were in complete subjection to the governing body of the craft, and their wardens were not only members of the livery, but were also chosen by the livery.[7] Journeymen who set up on their own were required to produce a sample of their work before the wardens;[8] this would suggest that the obligation to furnish a 'master-piece' was not unknown among English crafts even in earlier times. The ordinances of the Paviors lay down interesting regulations as to the height of the pavement. As Mr. Welch observes: 'in many districts the level of Roman London is only reached at a depth of 20 feet and more,' and this 'extraordinary rise in the surface of the City' is ascribed to the unskilful

[1] *The Barber Surgeons of London*, ed. S. Young (1890), 38, 260.
[2] *Ibid.*, 260 *seq.*
[3] *Ibid.*, 175. For the organization of the yeomanry, see *ibid.*, 276 *seq*
[4] *History of the Pewterers' Company*. ed. C. Welch (1902), i. 4.
[5] *Ibid.*, i. 110–111.
[6] *Ibid.*, i. 9. [7] *Ibid.*, i. 80–81. [8] *Ibid.*, i. 201.

methods of the paviors.[1] The 'Boke of the Ordinances of the Brotherhood of Carpenters' supplements the history of this Company by Jupp and Pocock. It contains the ordinances of the Company in 1333, and carries back its history nearly a century and a half before its incorporation. Two articles are of interest. In 1333 it was ordered that the unfortunate brother who fell into poverty should receive from the brotherhood each week fourteen pence.[2] But in 1487 poor members received an allowance 'after the discretion of the master and wardens.'[3] Either the resources of the common box could not stand the strain of the claims made upon it, or the generosity of the members had weakened. The spirit of brotherhood and friendly co-operation is also exhibited in an ordinance requiring the Carpenters to find whatever work they could for anyone in their midst who was idle 'for default of work.'[4]

According to the order of precedence established in 1516 the Drapers, whose history is now being investigated in detail,[5] ranked third in the list of the Twelve Great Livery Companies. Their earliest ordinances date from the second half of the fourteenth century. The anxiety of the gilds to exclude from their membership all who were likely to damage the good name of the fellowship was responsible for the enactment: 'That everyone who is or shall enter into the Brotherhood shall be of good fame and good condition and behaviour, so that no one of the Brotherhood may be slandered or dishonoured by his default.'[6] Upon entry into the gild new members were required to pay 'at least twenty shillings,' as well as an annual sum of two shillings paid in quarterly instalments.[7] On the ground that bad workman-

[1] *History of the Paviors' Company*, ed. C. Welch (1909), 10, 17.

[2] *The 'Boke' of the Carpenters*, ed. C. Welch (1912), 13.

[3] Jupp and Pocock, *Carpenters' Company*, 348.

[4] *The 'Boke' of the Carpenters*, 13.

[5] A. H. Johnson, *The History of the Worshipful Company of the Drapers of London* (1915).

[6] *Ibid.*, i. 197 (1371).

[7] *Ibid.*, i. 198 (1371). Women were admitted to the fraternity: *ibid.*, i. 198, 274.

ship brought discredit upon the craft, we often find a rule: 'That if any of the Brotherhood be found doing work to the detriment of the common people and to the dishonour of the Brotherhood, that then he shall be ousted from the Brotherhood for ever.'[1] A craftsman who refused to 'obey the rule and correction' of the wardens was brought before the magistrates as a 'rebel,'[2] and if he refused to hold an office to which he had been elected, he was made to pay a penalty of ten pounds.[3] In the event of any disputes among fellow-gildsmen, the aggrieved party was bidden to lay his complaint before the brotherhood, but not to 'complain in any other place nor in any other manner.'[4] At the same time all relations with strangers were strictly forbidden: 'No man of this fellowship of Drapers shall inform no strange man in no manner point [be]longing to this Occupation, neither of knowing of cloth of price of measure, nor of the country that they came from upon pain of a hundred shillings.'[5] In their capacity as friendly societies the craft gilds contributed to the support of their poorer members, and among the Drapers the gildsman who fell into poverty was to receive every week from the common box 16½*d.*;[6] but later (1418) it is stipulated that the unfortunate brother must have worn the clothing of the fraternity 'by the space of seven years full' before he obtained relief, which was now fixed at one mark a quarter.[7] I have already spoken of the relations which subsisted between the municipalities and the craft organizations. The preamble to the Drapers' 'Book of Ordinances' (1405) shows that even before the well-known Act of 1437 the control of the civic authorities over the gilds was as well established at London as in other towns. Not only is the mayor asked to confirm

[1] Johnson, *The History of the Worshipful Company of the Drapers of London*, i. 200 (1371).

[2] *Ibid.*, i. 269 (1418).

[3] *Ibid.*, i. 266 (1454).

[4] *Ibid.*, i. 200 (1371), 257, 270 (1418).

[5] *Ibid.*, i. 271 (1418).

[6] *Ibid.*. i. 199 (1371).

[7] *Ibid.*, i. 268. A past warden, who fell into poverty, was to receive 14*d.* a week.

the ordinances, but the request is made that the ordinances should be 'set in record by the assent of the common council of the city,'[1] and the forfeitures are divided between the craft and the city, a fourth part going to the wardens and the rest to the treasury.[2] Other documents in Volume I of the Drapers' Records include a valuable transcript of the Wardens' Accounts which start in 1414, and serve to show (*inter alia*) that the journeymen of the craft contributed to the building of the Drapers' Hall.[3] The same volume contains a petition of the Drapers against the election of Nicholas Brembre as mayor in 1384, on the ground that the election was illegally held, and also that the Statute of 1382 forbade victuallers to hold any judicial office.[4] Volume II contains the Ledger of Thomas Howell,[5] a merchant draper who exported cloth to Spain, the return of the Drapers' Company to the Royal Commissioners with regard to property 'held to superstitious uses,'[6] and a description of the search made at Bartholomew Fair by the authorities of the Company.[7]

To the list of provincial companies can now be added the Merchant Venturers of Bristol,[8] and the Hostmen[9] and the Merchant Adventurers of Newcastle.[10] Both at New-

[1] Johnson, *The History of the Worshipful Company of the Drapers of London*, i. 258. Mr. Johnson thinks that the preamble must be later than 1437. But even a century earlier we find the crafts submitting their rules to the governing body for ratification. Thus the Articles of the Hatmakers of London (*temp.* Edw. III) were approved by the mayor and aldermen 'at the suit and request of the men of the said mistery': *Letter Book F*, 173. I have discussed the real purport of the Act of 1437 in *Economic History*, i. 370–371.

[2] Johnson, *op. cit.*, i. 258.

[3] *Ibid.*, i. 309. Similarly the yeomanry subscribed £400 to the building of the hall of the Merchant Taylors: Clode, *Early History of the Merchant Taylors*, i. 71.

[4] Johnson, *op. cit.*, i. 208–211.

[5] *Ibid.*, ii. 251–257. The ledger covers the years 1519–1527.

[6] *Ibid.*, ii. 343–391 (2 Edw. VI).

[7] *Ibid.*, ii. 488–489 (1587).

[8] J. Latimer, *History of the Merchant Venturers' Society, Bristol* (1903).

[9] *Records of the Company of Hostmen of Newcastle-upon-Tyne*, ed. F. W. Dendy (1901).

[10] *Newcastle Merchant Adventurers*, ed. J. R. Boyle and F. W. Dendy 1895).

castle and Bristol, as elsewhere, the merchants endeavoured to exclude craftsmen from retailing merchandise outside their mistery ;[1] at Exeter[2] alone was retail trade open to all citizens, and here the merchants only claimed the monopoly of foreign trade—'adventuring beyond the sea.' The Merchant Adventurers of Newcastle appear to have had great trouble with their apprentices, who were required to serve for ten years ;[3] they alleged that they were disrespectful and disobedient.[4] One of the functions of the gild system was to determine disputes between members, and no craftsman could sue a fellow-gildsman in a court of law without leave of the fellowship. In 1504 an Act of Parliament empowered a gildsman to take legal action against anyone whom he pleased, but in spite of the Act the Newcastle Merchant Adventurers did not hesitate to impose penalties on those who ventured to carry their suits to a public court.[5] This serves, incidentally, to remind us that mediaeval statutes are usually more valuable as an index to the wishes of the legislator than they are trustworthy as a guide to actual economic practice. The Records of the Hostmen of Newcastle show that they formed a corporation as early as 1517. Foreign merchants who repaired to this country were required to reside with native hosts, who were responsible for their guests and witnessed all their commercial transactions. The system was an old one, but it is surprising to find traces of it in the last quarter of the sixteenth century.[6] By a curious development the Hostmen of Newcastle obtained a monopoly of the sale of coal. To conclude this survey of municipal sources, I may add that the fourteenth-century rolls of the Shrewsbury

[1] *Newcastle Merchant Adventurers*, i. 5, 30, 81 *seq.* See also *Select Cases in the Star Chamber*, ii. 75, 106. Latimer, *op. cit.*, 42, 46.

[2] Cotton, *An Elizabethan Guild of the City of Exeter*, 104.

[3] *Newcastle Merchant Adventurers*, i. 10.

[4] *Ibid.*, i. 6, 7.

[5] *Ibid.*, ii. 172.

[6] *Huguenot Society Publications*, i. part i. 39–41.

Gild Merchant have been printed by C. H. Drinkwater in the 'Transactions of the Shropshire Archæological Society.'[1]

I now pass to official publications—Patent Rolls, Close Rolls, Charter Rolls, and the Reports of the Historical Manuscripts Commission. Of the Statutes and Parliament Rolls I need not speak, because their importance is well known, and their contents have been utilized to a more or less satisfactory extent; but a warning needs perhaps to be uttered against the undue stress that is apt to be laid on the evidence of statute law. One of the most interesting developments of the later Middle Ages is the conflict between law and custom. National law did not easily displace local law, and borough custom was no less tenacious than manorial custom. Hence we cannot interpret economic practice purely by reference to the Statute Book. A striking example of this is the famous Statute of Westminster (1275). This statute provided that a wayfarer passing through a town could not be held responsible for debts contracted by his fellow-burgesses. Fleta[2] and Coke[3] interpreted the Act as a condemnation of the old borough system of reprisals. Yet the Patent Rolls for the next two reigns, those of Edward II and Edward III, show that the practices which the statute had denounced unquestionably survived.[4] Well might the town of Sandwich boast in its by-laws that new laws do not alter the free customs of their town. The Patent Rolls are valuable, of course, in many other directions; indeed, they are a perfect mine of information, of which the space at my disposal only enables me to give a very few illustrations. One of the most striking episodes in the history of England is the Peasants' Revolt, the first great struggle between capital and labour. It is generally supposed that the insurrection gave the death-blow to villeinage in this country. 'The dread of another servile

[1] *Transactions*, 3rd ser. ii. 65; iii. 47, 351; iv. 217.
[2] Fleta, c. 63, § 4.
[3] Coke, *Second Part of the Institutes*, 204.
[4] The evidence is given in *Economic History*, i. 265 *n.* 1.

war,' says Thorold Rogers, 'promoted the liberty of the serf.' The villein, Stubbs concurs, 'had struck a vital blow at villeinage. The landlords gave up the practice of demanding base services.' But the Patent Rolls reveal the fact that the struggle between the landlords and the serfs was protracted for at least two generations beyond the Peasants' Revolt. We even get fleeting glimpses of agricultural unions, the counterpart among rural labourers of the journeyman gilds in the towns. In short, the Peasants' Rising appears not as an isolated episode, but only an example on a larger scale of what was taking place in many parts of the country not only before, but after the insurrection. The disappearance of villein tenures may be more justly attributed to the working of economic forces, which were already in existence before 1381, and which continued in operation long after the insurrection had run its course.[1]

In the fourteenth and fifteenth centuries the history of English foreign trade is largely the history of the English Staple, and the Patent and Close Rolls enable us for the first time to trace its history with considerable detail. Here I may also mention the document printed by A. E. Bland in 'The English Historical Review,' containing the opinions of English merchants in 1319 as to the advisability of establishing home staples within the realm.[2] The numerous licences allowing wool to be exported elsewhere than to the 'fixed staple' indicate that the system was not so rigid as might otherwise be supposed;[3] they warn us not to exaggerate the extent to which it acted in restraint of mediaeval trade. It has been suggested that the Merchant Staplers, in whose hands was vested the control of the staple, originated among the officials of the customs, but there is unmistakable evidence to show that the two bodies were originally distinct; also that the organization of the Merchant

[1] The list of references is given in *ibid.*, i. 109 *n.* 6; 110 *n.* 1 and 2.

[2] *English Historical Review*, xxix. 95 *seq.*

[3] For references to the *Patent Rolls*, see *Economic History*, i. 481 *n.* 3.

Staplers, with a mayor at their head, was as old as the institution of the staple itself.[1] Again the extent to which English merchants carried on foreign trade and competed with aliens in earlier times has been greatly under-estimated. The Patent Rolls afford proof that they had a greater share in the beginnings of English commerce than historians have recognized.[2] On the other hand, no account of the economic development of England would be at all adequate which neglected the part played by alien merchants and artisans. We know that aliens settled in this country at the time of the Norman Conquest, and again under Edward III, and under Elizabeth, but throughout the fifteenth century there was also a steady influx of aliens, of whom a long list is given in the Patent Rolls.[3] There was, as might be expected, considerable friction between the aliens who came to our shores and the natives with whom they competed, and the London weavers were especially hostile to the Flemish artisans introduced by Edward III. The Patent Rolls for the first years of Richard II's reign disclose the fact that in 1379 an agreement was arrived at by which the alien weavers undertook to contribute to the farm which the denizen weavers owed the king.[4] But, as we learn from the Parliament Rolls,[5] the foreign weavers speedily repented of their hasty compliance and disputes again broke out. There was also a long-drawn-out struggle between English burgesses and alien merchants. Edward I protected the alien traders, though his action was not disinterested, for the French king had to complain of the exactions which Edward had imposed upon them.[6] There are innumerable other points on which the Patent Rolls throw light: for example, the duration of fairs;[7] the

[1] *Economic History*, i. 484–6.
[2] *Ibid.*, i. 486–7.
[3] *Patent Rolls*, 1429–1436, pp. 537–588.
[4] *Ibid.*, 1377–1381, p. 452.
[5] *Rot. Parl.*, iii. 600*a*; iv. 50*a*.
[6] *Patent Rolls*, 1266–1272, p. 141.
[7] *Ibid.*, 1345–1348, pp. 527, 530.

competition between rival markets ;[1] and the disturbances which in spite of all enactments to the contrary impaired the peace of commercial life.[2] The long list of fairs[3] granted about the middle of the fifteenth century is worth noting as an indication that the system of periodical marts still retained its old vitality. We can glean a good deal of information as to the progress of the cloth manufacture, 'the worthiest and richest commodity of this kingdom,' as Coke called it. The volumes covering the years 1313 to 1350 illustrate the successive attempts to establish a system of industrial control in the worsted industry.[4] Again the purchase of English cloth for the king's wardrobe in 1233 shows that England was already capable of producing the finer textile fabrics.[5] The petition of the Lincoln Weavers in 1348 gives us a valuable glimpse of their early history. Under Henry II they numbered more than two hundred; under Edward II their number sank to zero ; though after 1332 a handful of spinners were again to be found in the town.[6] There is similar evidence for the decline of the woollen industry during the early part of the fourteenth century at Oxford, York, Northampton, and London.[7] This decline appears to have escaped the notice of the historians of the cloth trade. Edward III was not the founder of the English woollen industry. The settlement of alien weavers, a design present to the minds of English rulers as far back as 1271,[8] and definitely set on foot by Edward II at the end of his reign,[9] was carried out—as Edward III expressly states—' in view of the *decay* of the

[1] *Patent Rolls*, 1381–1385, pp. 145, 506.

[2] *E.g.*, *ibid.*, 1364–1367, p. 361.

[3] *Ibid.*, 1476–1485, pp. 5, 9, 17, 93, 131, 154, *etc.*

[4] See *Economic History*, i. 431–432.

[5] *Patent Rolls*, 1232–1247, p. 23.

[6] *Ibid.*, 1348–1350, p. 120.

[7] Oxford : *ibid.*, 1272–1281, p. 102 ; *Collectanea* (Oxford Hist. Soc.), iii. 99, 123. York : *Victoria County History of Yorkshire*, iii. 438. Northampton : *Rot. Parl.*, ii. 85*b*. London : *Liber Custumarum*, i. 416–425.

[8] *De Antiquis Legibus Liber*, 126–127, 135–137.

[9] *Patent Rolls*, 1324–1327, p. 269. *Ibid.*, 1327–1330, p. 98.

art of weaving.'[1] Attention may also be drawn to a very important ordinance of 1364,[2] which throws light on the origin of the clothiers, indicating that dealers in cloth were being recruited from the artisan class—weavers, dyers, and fullers. The illustrations I have given may serve in some measure to indicate the varied character of the information contained in the Patent Rolls. From the same source we are able to glean details as to the risings of monastic towns against ecclesiastical domination. To all appearance the insurgents never organized confederacies for their mutual support after the manner of continental towns, but there are signs of sporadic co-operation.[3] While it carried on an incessant feud with the enemy beyond its gates, the mediaeval town was frequently torn by the struggle which was taking place within its own walls. The old English borough was perhaps more often than not a house divided against itself, yet in the evidence here presented there is no hint of industrial oppression; the grievances of the commons (the *minores*) are financial, and unfold the familiar story of the rich grieving the poor.[4]

I can only deal very briefly with the Close Rolls. They are particularly useful for the history of the English Staple as they supplement the evidence contained in the Patent Rolls. Of special interest is the opposition raised by the Bardi and other foreign traders in 1320 to the establishment of a compulsory staple, and the rejoinder of the native merchants that a wool staple existed under Henry III and Edward I.[5] It should be observed that the important Ordinance of the Labourers is wrongly dated 1350 in Rymer. The correct date is June 18, 1349.[6]

Of the Charter Rolls five volumes only have yet been printed, covering a period of two centuries (1226–1417).

[1] *Patent Rolls*, 1330–1334, p. 362.
[2] *Ibid.*, 1364–1367, p. 4.
[3] *Ibid.*, 1327–1330, pp. 213, 222.
[4] *E.g. ibid.*, 1266–1272, p. 270. *Ibid.*, 1272–1281, p. 476.
[5] *Close Rolls*, 1318–1323, p. 234.
[6] *Ibid.*, 1349–1354, p. 87.

I have already referred to communal responsibility for debts, and in the reign of King John a few towns were able to obtain exemption by charter from the old borough system of reprisals. During the first forty years of Henry III's reign the English towns do not appear to have made any marked constitutional advance or to have extended their immunities. But in 1255, and in 1256, a great many charters were granted by the Crown in order to raise money for Henry's foreign enterprises.[1] It has not been noticed, however, that the immunity now conferred on the boroughs was incomplete—the burgesses were not to be distrained for any debt of which they were not sureties or principal debtors, unless the community to which they belonged had refused to bring pressure to bear upon a debtor who was in a position to meet his obligations. Only at the end of Henry's reign did a more enlightened municipal policy begin to prevail when complete immunity was granted. The relation between the early Craft Gilds and the Merchant Gild has been the subject of endless controversy. Those who hold the view that mediaeval craftsmen in the twelfth and thirteenth centuries suffered economic oppression base their arguments chiefly upon the Laws of the Weavers and Fullers, in which the weavers are represented as excluded from all rights of citizenship. I would therefore draw attention to the following significant passage in the first volume of the Charter Rolls: 'Of the gift of Henry, son of Alwin, *all the land which his father bought from Herbert the Weaver*,' in the parish of St. Peter in the East within the walls of Oxford.[2] The date of Henry's gift is 1246, so that Herbert the Weaver must have lived in the reign of King John. Hence, at the very period to which the Laws of the Weavers and Fullers are supposed to belong, a weaver was holding land in Oxford which he was able to sell or give away. Other craftsmen holding land in Oxford

[1] The list of references is given in *Economic History*, i. 262 *n.* 5; 263 *n.* 1–3.

[2] *Charter Rolls*, i. 300.

were a carter, a shoemaker, and a fuller.[1] They were thus not landless artisans, but landed citizens, and therefore presumably in full enjoyment of civic rights. One other point may be mentioned. The right of a fugitive villein to obtain emancipation by residence within the walls of a town for a year and a day was not universally conceded, as is generally supposed. The charter granted to Plympton in 1285 expressly reserved the lord's prerogative over his subjects.[2]

In addition to the Patent Rolls, Charter Rolls, and Close Rolls, may be mentioned the Fine Rolls, the Chancery Rolls, and the Inquisitions Post Mortem. The Acts of the Privy Council start in the sixteenth century, as also do the State Papers, Domestic and Foreign. The Venetian State Papers should not be neglected for the history of English foreign trade; for example, they contain an important reference to the cloths of Stamford showing that English cloth had found a market at Venice as early as 1265.[3] The Calendar of Documents in France, edited by Dr. Round (1899), can also be utilized to some extent.

I have now to speak of the Reports of the Historical Manuscripts Commission. The archives of a large number of towns have been examined, though in the earlier volumes the description is often too brief to be of much value. The information contained in the Appendices to these Reports is of the most miscellaneous character; it comprises instructive craft ordinances, like those of the Weavers of Bury St. Edmunds;[4] town charters, like those of Lostwithiel,[5] Bakewell,[6] and Pontefract;[7] and the relations of the Church with towns like Wells,[8] Lynn,[9] Exeter,[10]

[1] *Charter Rolls*, i. 300, 301, 304.
[2] *Ibid.*, ii. 303.
[3] *Cal. Venetian State Papers*, i. 2.
[4] *Hist. MSS. Comm.* 14th Rep. App. viii. 133 *seq.*
[5] *Ibid., Various Collections*, i. 327.
[6] *Ibid., Rutland*, iv. 41.
[7] *Ibid.*, 8th Rep. App. 269.
[8] *Ibid., Wells*, i. 261.
[9] *Ibid.*, 11th Rep. App. iii. 188–9, 246.
[10] *Ibid., Various Collections*, iv. 68.

Salisbury,[1] Bury St. Edmunds,[2] and Canterbury.[3] Of particular interest are the quarrels between Canterbury and the Convent of Christ Church, which were spread over three hundred years, and serve to illustrate the various subjects of dispute that arose from time to time. The difficulty with which English monastic towns shook off their ecclesiastical yoke, and freed themselves from their bondage, is recorded in the history of the town of Lynn. Lynn was one of the chief trading centres in the Eastern Counties, yet it did not acquire until 1528—when England stood upon the very threshold of the Reformation—a degree of self-government, the right to hold pleas in its own courts, such as towns on the Ancient Demesne of the Crown had gained with the utmost ease two or even three centuries before. Even this moderate concession, which only at the last moment it was able to extort from the weakness of the Church, it owed to the mediation of Cardinal Wolsey. The great variety of matters touched upon in the Appendices to the Reports makes them extremely useful in other directions. There are brief references to the journeymen of Hereford,[4] Beverley,[5] Coventry,[6] and Gloucester ;[7] to the attempts made by Flanders to exclude English cloth ;[8] to the strife for commercial supremacy between English and German traders ;[9] and to the complaints of Shrewsbury[10] and Hereford[11] that their traders were arrested for debts other than their own—complaints which are made more than a century after the Statute of Westminster had nominally prohibited the practice. There is also a

[1] *Hist. MSS. Comm. Various Collections*, iv. 206–210.
[2] *Ibid.*, 14th Rep. App. viii. 125.
[3] *Ibid.*, 5th Rep. App. 433–434. *Ibid.*, 9th Rep. part i. App., 96, 98, 112, 118.
[4] *Ibid.*, 13th Rep. App. iv. 304.
[5] *Ibid.*, *Beverley*, 95.
[6] *Ibid.*, 15th Rep. App. x. 117–118. [7] *Ibid.*, 12th Rep. App. ix. 416.
[8] *Ibid.*, *Various Collections*, iv. 197. *Ibid.*, *Verulam*, 4–8.
[9] *Ibid.*, 5th Rep. 443. [10] *Ibid.*, 15th Rep. App. x. 4.
[11] *Ibid.*, 13th Rep. App. iv. 287.

fragmentary account of the proceedings in a Piepowder Court at Melcombe Regis in 1397;[1] a description of the pageant of Hereford;[2] an allusion to the manumission of villeins as late as the reign of Henry VIII (1522);[3] a record of agreements between the bishop of Winchester, lord of St. Giles' Fair, and the burgesses of Southampton over the right of the latter to carry on their trade during the fair;[4] and a fifteenth-century indenture for a barber's apprentice, in which the master undertook to give his apprentice 'suitable clothing, shoeing, board, bedding, and chastisement.'[5] Of special interest are the ordinances of the Plymouth Tailors, where the craft gild apparently shouldered direct responsibility for the bad workmanship of any of its members.[6] The marked contrast between the condition of Bridport in 1319, as revealed in a view of arms held in that year, and its condition in 1457, enables us to measure the great advance which the town had made in prosperity during the intervening period.[7] The roll of taxpayers at Wallingford in 1227 is noteworthy for the mention of weavers and fullers;[8] and another roll in Edward I's reign shows that the town contained no less than fifty women traders.[9] The Ordinance of the Staple in the fourteenth Report, Appendix Eight,[10] is wrongly assigned to Edward I; the correct date should be 1326.

It is unnecessary to dwell at length upon the Pipe Rolls; their importance as a source of evidence for the history of the twelfth century has long been recognized. The 'Magnum Rotulum Pipae,' usually attributed to 1131, was

[1] *Hist. MSS. Comm.*, 5th Rep. App. 577–578.
[2] *Ibid.*, 13th Rep. App. iv. 288.
[3] *Ibid.*, *Various Collections*, i. 194.
[4] *Ibid.*, 6th Rep. App. 603; 11th Rep. App. iii. 66, 77.
[5] *Ibid.*, 9th Rep. part i. App. 259.
[6] *Ibid.*, 9th Rep. part i. App. 274.
[7] *Hist. MSS. Comm.* 6th Rep. App. 491, 493.
[8] *Ibid.*, 6th Rep. App. 572, 576.
[9] *Ibid.*, 6th Rep. App. 578.
[10] *Ibid.*, 14th Rep. App. viii. 6.

edited by J. Hunter (1833), who also edited in 1844 three Rolls of Henry II's reign and the first Pipe Roll of Richard I. Other Rolls for Henry II's reign are being printed by the Pipe Roll Society. The older Pipe Rolls are well known; of the later ones it is worth noting that the Pipe Roll for 1182 contains mention of the term blanket.[1] This is 120 years earlier than the date given in Murray's Dictionary.

The Selden Society Publications are of extreme value for the economic as well as for the legal historian. I have already referred to Miss Bateson's 'Borough Customs.' Of interest also are the presentments contained in the volume on 'Leet Jurisdiction in Norwich' edited by W. Hudson. The mediaeval hatred of the forestaller becomes intelligible when we read of a trader who made a corner in wheat, so that the price of four bushels rose nearly 50 per cent.[2] Maitland's well-known volume, 'Select Pleas in Manorial Courts,' is indispensable for the study of the manor, and it also contains a valuable court roll of St. Ives Fair,[3] while many other court rolls are printed in 'Select Cases concerning the Law Merchant' edited by Dr. Gross. These rolls throw a flood of light on the history of mediaeval fairs, and well repay minute study. They illustrate both commercial law and commercial morals. They show, for example, that debtors did not enjoy immunity from arrest in fair-time as is usually thought,[4] that mercantile law was still marked by the retention of antiquated survivals,[5] but that in certain directions a departure was made from established usage in the development of modern commercial practices and in the employment of professional pleaders.[6] Of special interest is the institution known as God's penny (*denarius Dei*),

[1] *Pipe Roll*, 28 Hen. II (vol. xxxi. 50).
[2] *Leet Jurisdiction in Norwich*, 64. Similarly: *ibid.*, 65.
[3] *Select Pleas in Manorial Courts*, i. 130 *seq.*
[4] See *Economic History*, i. 227.
[5] *Law Merchant*, i. 20.
[6] *Select Pleas in Manorial Courts*, i. 155–156.

or assurance money to bind a purchase.[1] Singing at fairs was a breach of the peace: in 1312 a number of men were ordered to be fined at St. Ives Fair on the amusing ground that 'they came and carolled to the terror of the fair and to the great damage of the merchants.'[2] In the Introduction to the volume on 'Law Merchant' Dr. Gross has contributed an admirable study of the Court of Piepowder, reprinted with additions from the 'Quarterly Journal of Economics.'[3] The Piepowder Court well merits minute attention. Not only was England covered throughout the Middle Ages and beyond with a network of piepowder courts scarcely inferior in number and energy to the rural courts of the township, but the law which they administered contributed enormously to the consolidation of a body of mercantile law; and this in its turn has been an important source of modern jurisprudence.

The two volumes of 'Select Cases in the Star Chamber,' edited by Mr. Leadam, are full of good material. Perhaps the best thing in them is the suit brought by the yeomanry of the Founders' Company against the wardens.[4] It throws light upon the efforts of the livery to reduce the yeomanry to economic dependency, and affords proof that the transition from the gild system to the domestic system was not accomplished without a struggle on the part of the yeomanry to retain their independence. Other cases concern the Tailors of Exeter;[5] the exaction of borough tolls;[6] disputes over jurisdiction between the bailiffs of Shrewsbury and the monastery;[7] the rivalry between Newcastle and the prior of Tynemouth—a rivalry of long standing, since it can be traced back to the thirteenth century;[8] the suit between

[1] See *Economic History*, i. 230–231. [2] *Law Merchant*, i. 92.

[3] *Quarterly Journal of Economics*, xx. 231 *seq.*

[4] *Select Cases in the Star Chamber*, i. 262 *seq.*

[5] *Ibid.*, i. 1–6. This is the famous case of the Exeter Tailors *v.* the municipality: Smith, *English Gilds*, 299–309.

[6] *Star Chamber*, i. 71 *seq.*, ii. 120. [7] *Ibid.*, i. 180.

[8] *Ibid.*, ii. 68. See *Economic History*, i. 212 *n.* 4.

the merchants and the artificers of Newcastle,[1] illustrating the growing differentiation of the mercantile and handicraft classes; the complaint of the citizens of Bristol against Redcliffe Fair[2]—a striking illustration that, as late as the sixteenth century, the fair often remained an important centre of internal trade; and lastly, the famous lawsuit of the copyholders of Thingden.[3]

Mr. Leadam has also edited 'Select Cases in the Court of Requests.' This volume contains four cases touching the tenure of land—enclosure of the commons, oppression of copyholders, extortion of fines, and the rise of rents;[4]—instances of the survival of bondage;[5] and cases concerning toll.[6] Other publications of the Selden Society with an economic interest are the 'Mirror of Justices,' 'Select Cases in Chancery,' 'Select Civil Pleas,' 'Select Coroners' Rolls,' and 'Select Pleas of the Crown.' Two of the Cases in Chancery attest the opposition which the enclosing movement was already arousing by the end of the fourteenth century.[7] Another case deals with a dishonest agent who had received money from a villein to purchase his freedom from the lord:[8] it supplies a commentary on Glanville's dictum that a villein may not purchase freedom with his own money, since all his chattels are in his lord's power and could be taken without the asking.[9] One other case—in 'Select Pleas of the Crown'—ought to be mentioned. The abbot of Peterborough was fined in 1202 for holding his market of Oundle on Saturday instead of Sunday.[10] Now Bracton allows the change to be lawful; hence this concession, if it is anything more than merely a legal opinion, was evidently a recent development. I may add

[1] *Star Chamber*, ii. 75 *seq.*
[2] *Ibid.*, ii. 252 *seq.*
[3] *Ibid.*, ii. 17.
[4] *Select Cases in the Court of Requests*, 63, 65, 103, 200.
[5] *Ibid.*, 42, 49.
[6] *Ibid.*, 35 *seq.*
[7] *Select Cases in Chancery*, No. 66, and No. 115.
[8] *Ibid.*, No. 146.
[9] Glanville, *Tractatus de Legibus*, v. c. 5.
[10] *Select Pleas of the Crown*, i. No. 44.

that the 'Placitorum Abbreviatio' contains many similar cases to that I have just quoted.[1]

Of the remaining sources I must content myself with a bare list. Professor Tait has printed the 'Chronica Johannis de Reading' (1914), which contains brief references to the Statute of Labourers and the famous Ordinances of the Staple.[2] 'Adams's Chronicle of Bristol' has been printed by F. F. Fox (1910). The author has no great love for mediaeval victuallers;[3] and he regards the Rising in Cornwall and Devon, which is generally looked upon as purely a religious movement, as due in part to enclosures.[4] Mr. R. Flenley has edited 'Six Town Chronicles' (1911), while Mr. Kingsford—in addition to the 'Chronicles of London' (1905)—has given us a volume on 'English Historical Literature in the Fifteenth Century' (1913), containing a Yorkist pamphlet on commercial grievances, published in 1452. We also owe to Mr. Kingsford a standard edition of Stow's 'Survey of London.' And there are other new editions to which I would draw attention: Leland's 'Itinerary' edited by Miss Toulmin Smith (1907–10), Hakluyt's 'Voyages' (1903), the 'Dialogus de Scaccario' (Oxford edition, 1902), Bracton's 'De Legibus' now in the course of publication, Dr. Liebermann's edition of Anglo-Saxon laws ('Die Gesetze der Angelsachsen'), and the works of Thomas Deloney, author of 'The Pleasant History of John Winchcombe,' the famous clothier of Newbury (edited by F. O. Mann, 1912).

Even yet we have not exhausted the printed material available for the study of Mediaeval Economic History. I must not omit to mention the Crawford 'Catalogue of Tudor and Stuart Proclamations' (1910), and the 'Regesta Regum Anglo-Normannorum' edited by H. W. C. Davis (1913). The latter is a collection of Norman charters

[1] See *Economic History*, i. 210.
[2] *Chronica Johannis*, 113, 117, 119.
[3] *Adams's Chronicle of Bristol*, 27.
[4] *Ibid.*, 100.

illustrating several points of economic interest; for example, grants of fairs and markets,[1] and immunities from toll.[2] There are new 'Year Books,' one of which appears to show that in the fourteenth century the strict legal theory of villeinage was being modified—the villein being allowed to sell the stock on his holding.[3] The Huguenot Society Publications give a full account of the refugees who established a new branch of the woollen industry at Colchester and Norwich.[4] Another important collection is that of the Oxford Historical Society. In particular I would mention the exhaustive description of the 'Oxford Market' (edited by O. Ogle), whose history and regulations are traced in detail from the earliest times. In the same series is the 'Eynsham Cartulary' (edited by H. E. Salter, 1908), which serves, among other things, to show the evil plight of the landlords after the Black Death.[5] Then there is the valuable 'Survey of the Lands of William First Earl of Pembroke' (edited by C. R. Straton, 1909), which illustrates the survival of extensive cultivation,[6] the exaction of customary services as late as the reign of Elizabeth,[7] the two-field system,[8] and the annual redistribution of meadow land by lot.[9] The 'Domesday of Inclosures,' edited for this Society by Mr. Leadam, embody the Returns of the Inclosure Commission held in 1517, though their evidence has been variously interpreted.[10] Last of all, I may mention the 'Records of the Social and Economic History of England and Wales,' of which two volumes have so far appeared, namely, 'The Survey of the Honour of

[1] *Regesta Regum Anglo-Normannorum*, i. 16, 65, 96.
[2] *Ibid.*, i. 54, 76, 102.
[3] *Year Books*, 18 & 19 Edward III, p. 502.
[4] W. J. C. Moens, *The Walloon Church of Norwich* (1887); *The Dutch Church at Colchester* (1905).
[5] *Eynsham Cartulary*, ii. 19.
[6] *Pembroke Surveys*, ii. 543.
[7] *Ibid.*, i. 16.
[8] *Ibid.*, i. 164.
[9] *Ibid.*, i. 250.
[10] See *Trans. Royal Hist. Soc.*, N.S. xiv.

Denbigh,' and 'The Black Book of St. Augustine's Abbey, Canterbury.'[1]

In bringing this paper to a conclusion, there is one observation I should like to add. It is abundantly clear that the great mass of printed material which has become available during the last fifteen or twenty years affords ample scope for the study of Mediaeval Economic History. On the other hand the dearth of workers in this field is greatly to be regretted. But the time cannot be long deferred when the importance of studying our national economic development will become more widely recognized, with the perception that the factors moulding the course of social evolution are in the final analysis economic, and with the perception also that true democracy must rest on economic as well as on political foundations. The nineteenth century was the age of the constitutional historian ; the twentieth century will be the age of the economic historian.

[1] Part ii. of the *York Memorandum Book* has now been published. It contains the ordinances of twenty-six misteries, among which those of the Carpenters (1462 and 1482) are of special interest. The period covered by this volume extends from 1388 to 1493, and though not so valuable as volume I, it nevertheless contains a quantity of varied and interesting information.

AN UNEDITED CELY LETTER OF 1482.

By HENRY ELLIOT MALDEN, M.A., *V.P. and Hon. Sec. R.Hist.Soc.*

MR. JOSEPH BAIN took the following letter out of the mass of the Cely correspondence, when he was making the Calendar of the Documents in the Public Record Office relating to Scotland. It is in the *Calendar*, vol. iv., Appendix 31. The original is now in Chancery Miscellanea, 22, 6/42. Owing to its removal it was not edited with the other Cely Letters in Camden Third Series, vol. i. Mr. Bain misdated it, and was not aware to whom it was addressed. I can clear up both these points; and the letter is reprinted to make the commentary intelligible. I have had to make some very trifling alterations from Mr. Bain's copy. The letter has no subscription. Mr. Bain attributed it, no doubt rightly, to George Cely. The hand and style agree, and the writer had a brother Richard. It was meant for the hands of Sir John Weston, Prior of the Knights of St. John in England. He was always 'My lord' to the Celys, who had coats of his livery, and lived near him.

It is addressed to an English lord who was in Naples when he last wrote to England. Sir John was there in 1481 on his way to Rhodes. He might have been going to Rhodes because of the threat of Turkish attack. Mahomet II had failed there in 1480. In 1481 the Sultan was preparing another attack, but died May 3, soon after which the expedition was abandoned and civil war broke out in Turkey. But the news of this abandonment would not arrive at once. But besides this possible military and political reason for a visit to Rhodes by Sir John Weston, the kindness of Signor L. Vizzari de Sannazaro, of Malta, has supplied me with a record of his being there on business of

the Order in 1482, and as bearer of complimentary letters from Edward IV to the Grand Master, Pierre d'Aubusson.[1]

The references are to the *Liber Conciliorum Card. M. F. Petri Aubusson ann.* 1478–1488, vol. lxxvi., Record Office, Malta.

f. 88. Under date June 10, 1482, Sir John Weston presented letters from the English King.

f. 104. Sept. 11, 1482, the Prior was present when the suit of the English *Langue*, represented by the Lieutenant Turcopolier, Sir Walter Fitzherbert, and the Proctor of the *Langue*, Sir John Boswell, was filed in Court.

f. 133. April 24, 1483, 'Concorde et appointment faict' between the Prior of England and the Brothers of the English *Langue*.

f. 142. Sentence was given in favour of the Prior, and against the *Langue*, in the suit for the Preceptory of Swingfield (in Kent), July 23, 1483.

f. 145. Provision made for the still pending suit for the Preceptory of Slebech (in Pembrokeshire) October, 7, 1483.

It does not appear that Weston was present in 1483, but he may have been still in Rhodes. Here in England we have in the already printed Cely Letters several references to the intended visit to Rhodes in 1481.

On June 4, 1481, Richard Cely tells George that 'my lord' is asking leave to go to Rhodes, and on June 23 that he is going.[2]

On July 26, 1481, Richard Cely wrote from London to his brother George at Calais that Sir John Weston, with his brother Sir William Weston, the Turcopolier, an officer of the Order, Sir James Dane, a knight of St. John, and many more, intended to be at Calais on August 3, bringing two or three hundred pounds sterling, with letters of search

[1] Pierre d'Aubusson, b. 1423, d. 1503, was Grand Master 1476–1503. He commanded in the famous siege of Rhodes, and was created Cardinal of St. Adrian in 1489.

[2] *Cely Letters*, pp. 55, 60.

for the passage, which would seem to include licence to export bullion, and letters of exchange for £95 for certain Lombards at Calais. He was clearly equipped for a lengthy journey, or sojourn abroad, presumably in or *via* Italy.[1]

Sir John was anxious to get 'docettes wenycyons,' which I presume means 'Venetian ducats.'[2] August 5, 1481, George was looking for Sir John at Calais.[3] He was in Rhodes, as we have seen, in 1482, and went *via* Naples, for on March 29, 1482, Richard Cely in London had letters from 'my lord' written in Naples.[4] April 29, 1482, sealed letters from my lord of St. John's had come to Calais, and were sent on to George.[5] May 13, 1482, Richard had heard that George had received letters from my lord of St. John's. He had had letters also, and wished to exchange tidings.[6] It is abundantly clear that my lord of St. John's was corresponding from Naples in 1481–1482, and therefore that he was the person to whom this letter is addressed. It appears that Weston was abroad in December 1483, but this date is too late for the news in the letter.[7] Sir John was seeking a passage to England as late as January 1487.[8] But he had been home again, and abroad again, probably, before then.

Mr. Bain dated the letter March 1482–3, that is March 1483, new style. But this is wrong. The date is after May 1482, but not after August 1482.

First, it is after the death of Mary of Burgundy, which happened on March 27, 1482, and time enough after it to note that the land was 'in grate kimbyr' in consequence. This was the case immediately. On May 2 the States of Flanders met, and refused to Maximilian, her widower, the tutelage of his own children. The next point of time is that it is after the death of Mary, second daughter of Edward IV,

[1] *Cely Letters*, p. 63.
[2] *Ibid.*
[3] *Ibid.*, p. 66.
[4] *Ibid.*, p. 88.
[5] *Ibid.*, p. 97.
[6] *Ibid.*, p. 104.
[7] *Ibid.*, p. 133.
[8] *Ibid.*, p. 167.

who died at Greenwich on the Thursday before Whitsunday, 1482, which was May 23.

But the letter is chiefly concerned with the affairs of Scotland, to which it owes its place in Mr. Bain's Calendar, and these fix the date within limits and give it any small historical interest which it may have. Alexander, duke of Albany, had fled from his brother King James III into France. He came to England about the beginning of May 1482, and on June 10 made a treaty with Edward IV by which he was to be put into possession of the Scotch crown, which he was to hold of Edward.[1] On June 12 the Duke of Gloucester was appointed to command against Scotland in support of Albany.[2] Already on May 10 orders had gone round most of the Southern and Midland counties for all men who had promised personal or other attendance in Scotland to be ready in fourteen days.[3] The expedition was really moving in July, took Berwick town, and ravaged the Eastern Marches up to Edinburgh. On August 2 Albany made peace with his brother, and left the English camp at Lethington in East Lothian the next day, ostensibly as a friend to England. But on August 24 he had, temporarily at least, become a patriot, and made a truce with Gloucester to last till September 8, 1483. On the same day Berwick Castle was taken by Lord Stanley, and Berwick, which the Scots had recovered for twenty-one years, remained as the sole real gain for the English. Albany's further troubles with his brother, renewed flight to England in 1483, raid into Scotland with the banished Earl of Douglas and defeat at Lochmaben in 1484, retirement to France, and his death there in 1485, are outside of our story, and beyond the purview of the letter-writer.

What he tells Weston is that the Duke of Albany is come into England. The day of this is unknown, but on May 9 James Douglas, who lately conveyed the duke into England in his ship the *Michell*, was taken into the

[1] Rymer, *Fœdera*, xii. 156.
[2] Rymer, xii. 157.
[3] P.R. 22, Ed. IV, Pt. 1. m. 19 d.

King's service.[1] He was no doubt a man of the banished Earl of Douglas. Then the duke is sworn to the King's good grace, which doubtless refers to the Treaty of June 10. Then he has gone into Scotland with 60,000 men, which refers to July. The legend of 60,000 men is excellent. There always are 60,000 men, £60,000, or 60,000 knights' fees; the modern American slang, English of course in origin, 'to fib like sixty,' may have some connexion with this usual form of exaggeration. Hall, in his *Chronicle*, enumerates the 'three battles' referred to here as containing together 15,500 men, and on June 30, 1482, there were issued orders for buying 120 horses for the ordnance, and 2000 sheaves of arrows for the men of the expedition,[2] which does not look like provision for an army of 60,000. Sir James Ramsay estimates the forces at not over 6000 men, from the pay provided.[3] Then George tells his correspondent that 44 towns and villages have been burnt in Scotland. This is likely enough, and Hall names sixty 'towns,' *i.e.* inhabited places, with their peel towers sometimes added. This refers to July or August, or both. But the letter does not mention the end of the expedition, Albany's double-dealing with Scots and English, nor the taking of Berwick Castle. It does add what Hall does not tell us, that Dumfries is burnt. Dumfries lay well out of the way of the main expedition, and was burnt by an independent raid on the Western Marches in which the men of York were engaged among others.[4] This raid had been before the main expedition. Richard III, when King, acknowledged the services of York in 1482, 'ffurst in the yorney made to Dunffreys and sett then in the yorney made the same yere to Edynburgh.'

The conclusion is that the letter must be dated as late as July 1482, perhaps early in August, and certainly after May 23. The state of communications which made it

[1] Rymer, xii. 154.
[2] Rymer, xii. 158.
[3] Sir J. H: Ramsay, *Lancaster and York*, ii. 495.
[4] Robert Davies, *Extracts from York Municipal Records*, p. 174.

reasonable to answer a letter from Naples of November 1481 with news from March till after the midsummer of 1482, in England, Scotland, and Burgundy, is worthy of note. But Weston must have heard independently of the really momentous death of the young Duchess of Burgundy.

One word more upon the affairs of Scotland. Albany, like most other Scots in trouble at home, was quite ready to make any promises of submission to England for the sake of getting back to Scotland by English help. But, like all the rest, he meant little by such unpatriotic bargains, and if restored to his position and estates was ready to throw over England in turn. The English interest among Scots nobility was the most feeble of broken reeds ; if once the opportunity should occur of keeping their estates, and their own independence, by throwing over the English King, they always embraced it. As with Camillo in ' The Winter's Tale,' any treachery was fair which sent them back to their native land.

H. E. MALDEN.

[George Cely, Merchant of The Staple, at Calais, to Sir John Weston, Prior of the Knights of St. John in England, at Naples. Written about July 1482.]

From *Chancery, Miscellanea*, 22, 6/42.

Jhesu m iiij^{c} iij^{xx}ij.

Ryght whorshypffull Syre and myne ersynglare good lord, affter all dew recomen dacyon perteneynyng, y recome awnd me un to yowre good lordshyp yn the most lowlyest whysse that y can. Fordyre more plesythe ytt yowr lordshyp to undyrstond that y hawe ressaywyd ane lettyr frome yowr lordshyp beryng datte at Napullis the last day of Novembyr, directyd to my brodere Rychard and me. [Erasure.] Whe undyrstond, my lord, by yowre sayd lettre of yowre ryall resseywyng at Napullis, and of yowre grett presentis, wheche whar to [*my broder* erased us glad tydyngis, and grett rejoyssyng to here of. Plesythe yt yowre lordshyp to undyrstond that the Dewke of Abany ys commyn ynto Ynglond, and he ys sworne to the Kyngis good

grace, and the Kyng hasse sent hym ynto Scottlond with [iiij erased] lxm[1] men yn iij battelles, and many lordis of Ynglond with hym. Jhesu be his godd spede with tham and mony. There hasse bene about xliiij townis and velaygis brent in Scottland, and many lordis takyn and slayne ; Dounfryss is brent. Also, my lord, the Kyngis eldest dowtre save hone ys dede now latt, & the young Dowchesse of Borgoun ys dede, and that lond is in grett kimbyr. Of hodyr tydyngis y can none wryt.

THE BURNING OF BRIGHTON BY THE FRENCH

By L. G. CARR LAUGHTON

Read May 18, 1916

THE Cottonian map, or 'plat,' Aug. I. i. 18, which forms the subject of this note, represents a descent on Brighton by a flotilla of French galleys, whose attack was covered by a squadron of men-of-war, represented as under sail or lying off the town.

The question is whether the representation is of the descent which is known to have taken place in April 1514, or of another attack alleged to have been made in July 1545. Two papers on the subject have already been read before the Royal Historical Society and printed in its Transactions: the first by Prof. James Gairdner in 3rd Series, vol. i., the second by Mr. A. Anscombe in 3rd Series, vol. viii. In each of these papers the decision was that the date on the plat, 1545, was misleading, and that the raid represented was that of 1514. The reasons advanced in support of this decision were partly historical, based on the lack of written evidence for a landing in 1545, and partly palæographical, depending on the difference between the script in the body of the plat and that in which the date is inserted in the top left-hand corner. But there is a third method of testing the date of this drawing. This method is archæological, and has, strangely enough, been neglected hitherto, save in the short discussion which followed the reading of Mr. Anscombe's paper in June 1914.

To begin with the handwriting. Prof. Gairdner ascribed the writing in the body of the map to 1514, and the date to 1545. Mr. Anscombe accepted this conclusion, but sought to prove in addition that the date written was actually '1 July,' not 'July.' On this he based a very ingenious theory that the map had been laid before the

King in Council on July 1. As the raid of 1545 is supposed to have taken place on July 18, it could not therefore, he argued, be it that was represented.

Now, with all deference to the great weight of Professor Gairdner's opinion on a point of palæography, one cannot forget that after all the interval between 1514 and 1545 was less than a generation. It will be admitted, therefore, that writing which was typical of 1514 was still quite possible in 1545.

As to the script in which the date is written, it is undoubtedly of much later date than that of the text in the body of the map. Prof. Gairdner has assured us that it might belong to 1545, and Mr. Anscombe has confirmed this opinion. But I think it may also be said that it might equally well have been written at any time in the second half of the 16th, or even in the early part of the seventeenth century. I do not see that there is any serious objection to the theory that the notes in the body of the map were written in 1545, and that the date was added much later, perhaps after 1600.[1]

There remains the further point raised by Mr. Anscombe as to whether the date actually written on the map is ' July 1545 ' or ' July 1, 1545.' I do not agree with Mr Anscombe in making the minim following the name of the month into an English i. Surely a *one* would have been written as a Roman i, as it is in the title of King Henry viii in the line immediately following. The letter following July is a mere minim without a dot, and seems to me to be more probably a badly formed e.

But, while admitting that there is room for a difference of opinion in this matter of the date, I do not propose to refer further to it, preferring to lay more stress on the evidence which has hitherto been almost neglected, and which seems to me to be more helpful.

I have no new historical evidence to bring forward. There appears to be little in the chroniclers, in the State

[1] In the discussion on this paper Mr. Hubert Hall accepted this theory.

Papers, and in the Acts of the Privy Council, which has not been already used. It may be added that that very careful French naval historian, M. de la Roncière, has found nothing in the French archives concerning the landing in 1545, and quotes as his sole evidence of it the Cottonian map, which he accepts as adequate. No English naval historian has yet published any detailed account of the period. Regarding the question as to whether there was a harbour at Brighton in 1545, I have met with no evidence of its having existed.

As a matter of legitimate inference from the known facts as to the course of the campaign of 1545, it may be pointed out that it was very clearly to the advantage of the French to alarm the coast of Sussex. Given fair weather, which they had, they could do so without interfering with their main objective; for they were in superior force at sea, having at least 100 ships, together with 22 galleys, to some 60 English ships. It was known that Portsmouth, with the English fleet lying there, and the Isle of Wight were their objectives, and a raid on the coast of Sussex was strongly feared.[1] Now there is no difficulty in reconciling dates. On July 19 it was reported to the Council, sitting at Portsmouth, that 22 enemy galleys and better than 100 ships were anchored within St. Helen's. This report accounts for all the galleys which the enemy had brought round from the Mediterranean, but not necessarily for all the ships. In the light weather prevailing galleys could raid at Brighton on the 18th, and easily be at St. Helen's on the 19th. With ships the case might be different; those which were at Brighton might not yet have reached the Solent on the 19th. The detachment which, according to the map, raided Brighton represented half the total number of galleys which took part in the campaign, and a very inconsiderable part of the sailing ships in the French fleet.

The object of the enemy in insulting the Sussex coast would be to prevent the troops in Sussex from being sent to Portsmouth and the Isle of Wight; and this result seems

[1] *Acts of P.C.*, passim.

actually to have been achieved.[1] Troops were kept under arms in Sussex till it was reported that the French had passed away to the Eastward.

There is a reference[2] to an actual landing in Sussex, but whether at Rye, Shoreham, Brighton, or elsewhere is not indicated. The mention is only incidental, in connection with a question raised as to the disposal of 'certain Portingalls set on land on the coast of Sussex by the Frenchmen.' What was the date, the purpose, or the result of the landing does not appear; but in the decided lack of evidence on the subject it is well to note any proof that the French really did touch the coast.

But, in my opinion, the evidence to be derived from archæology, though hitherto neglected, is of even greater importance in this discussion.

The first point to notice is that ships as well as galleys are represented in the plat. The difference between these types is important and easily recognised. The ships had heavy hulls rising high out of the water, were armed with great guns on each broadside, and were propelled by sails alone, having no oar-power. Their masts were tall, three or sometimes four in number, and rigged with square sails. The galleys on the other hand were long, light, narrow, and very low on the water. They were propelled by oars, to which their sails, set on one or two short masts, were merely auxiliary. They were in fact very large rowing boats, and the only guns they carried were right up in the bows, firing directly ahead.

Now in 1514 certainly only galleys came to Brighton The raid of that year was made by Prégent de Bidoux, who was the galley commander, and nothing else—the galley service being organised as a distinct branch of the French navy. If ships had been present they could not have been under the galley commander, but would have been under the Admiral of France or his Lieutenant. There is, however, no question of ships having been present; the

[1] *Acts of P.C.*, July 22. [2] *Ibid.* July 28.

war was coming to an end, and there were at this date no ships of war at sea in the Channel.

In 1545, on the other hand, the French undoubtedly had both ships and galleys in the Channel; and, as has been shown, such a force as is represented in the plat might very well have been at Brighton on July 18. In addition there is useful evidence in the pictures of the ships themselves. The representations of them are not large, and only tolerably carefully drawn, but they show enough detail to be significant. I make some comment on the form of hull shown, on the armament, and on the flags; but I do not think that the rig of the ships has much significance, for there was little or no obvious development in this respect between 1514 and 1545.

Our evidence of what ships looked like in 1545 is fairly ample. The best known contemporary pictures are those in the Anthony Rolls, but those in Cott. Aug. I, ii. 57*b* (1541), and in Le Testu (1545, reproduced in 'The Mariner's Mirror,' 1912) are clearer. Many other drawings for 1545 are available, notably in De la Roncière's 'Histoire de la Marine Française'; but for 1514 direct evidence is almost entirely lacking. We have the Hampton Court 'Embarkation of Henry VIII' (1520), a picture subject to grave suspicion; we have the admirable Rous Roll (*c.* 1485–1490), and other drawings of 1485, or near it, notably those by the unknown Fleming W. A.; and others earlier than 1500 have been reproduced by Mr. Morton Nance in 'The Mariner's Mirror.' From these, and from written evidence, we can infer what most ships of war were like in 1514, and we get some indication of the great changes introduced in the 'Henri Grace à Dieu,'—which famous ship was not completed when the raid of April 1514 took place.

Now in the period 1514 to 1545 there seem to have been three main developments in naval architecture.

(1) The form of the stern altered. Prior to 1500 the stern above the rudder-head was nearly vertical; but in 1545 it was built raking, that is slanting, thus giving a

considerable overhang aft. The evidence available suggests that this change probably began with the ' Henri Grace à Dieu.'

(2) The fore end of the ship altered. In 1520 and before it the forecastle was built projecting beyond the stem, and there was no beakhead. In 1546 the forecastle still projected in some ships, but a beakhead, placed below and clear of it, had become common. A little later the forecastle ceased to project, the beakhead had developed and was universal in ships of war.

(3) The gun armament was developed. Before 1509 ships were armed entirely with light guns, save for a very few large pieces carried in the open waist. About that date the introduction of heavy guns on the lower deck began. This was carried a step further in 1514, and was well developed before 1545. A comparison of the inventory of the ' Henri Grace à Dieu ' with those of other ships taken in the year of her building shows how important was the development of armament in the new ship.

Now the ships represented in the plat are in all these respects, and especially in their guns, in the stage of development which had been reached in 1545. The sterns are shown raking ; at least one ship has an undoubted long beakhead ; and practically all show a tier of four or so guns a side on a lower gun-deck. I do not think that in the war of 1512–1514 there can have been more than two or three ships at most in either Navy with guns so mounted, and doubt if even they had so many. I should add that the contemporary writer Antoine de Conflans definitely states that at this period there was no difference between French and English ships.

The flags represented give other useful evidence. The French lilies, gold on blue, are obvious in the original, but not very significant. What is much more important for our purpose is that all the ships are flying a flag bearing the arms of the Admiral of France. This was Claude d'Annebaut, appointed in 1543, whose arms were ' gules a

cross vair.' The vair does not show, owing to the small scale of the drawing, but a cross on a red field is clear. Now :—

(1) By an Ordonnance of 1542 it was made obligatory on all French men-of-war to wear the arms of the Admiral. (2) We do not know of the existence of any similar Ordonnance before 1542. (3) In 1514 the Admiral of France, Louis Malet, Sieur de Graville, being old and infirm, was not afloat. (4) Even had the French ships worn his arms in his absence they would not have worn such a flag as is represented, for his arms were ' gules, three buckles or.'

For these reasons it seems to me that anyone who would maintain that the map is of 1514, not of 1545, must begin by explaining away the presence of ships. He must also prove that ships of 1514 were built and armed as those represented. And he must show that all French men-of-war wore the Admiral's flag in 1514, even when the Admiral was not afloat ; and he must explain why the Admiral's arms represented in the plat are quite different from those of the Admiral of 1514.

Before concluding I wish to mention that Mr. R. C. Anderson (now afloat as a lieutenant R.N.V.R.), hearing that I was preparing this paper, kindly showed me a paper which he had already written on the same subject. His argument was on lines similar to those which I have followed ; but I do not wish to transfer to him any responsibility for my statements, inferences, or conclusions.

I have done little more than indicate the line of research which might be followed ; but if I have succeeded, in even a small degree, in reminding you once more that archæology is the not unworthy handmaid of history, my object in claiming your attention will have been achieved.

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REPORT OF THE COUNCIL, SESSION 1914–15.

THE Council of the Royal Historical Society present their Annual Report to the General Meeting of the Fellows, as follows.

The Session was the first which passed almost entirely in the new house of the Society and entirely under the shadow of the War. The actual move into the new quarters of the Society was not accomplished till December 1914, but though the Session began in Gray's Inn, a complete year of occupation of Russell Square enables the Council to report that the change has been fully justified. The negotiations for the new house were entered upon and so far completed before the War that the change had to be carried through. The improvement in accommodation, book space, amenities generally, and dignity fully come up to expectations. Though the time was, as it turned out, an inopportune period for the undertaking of new expenses, the results have been encouraging. The loss in numbers of Fellows owing to the War has been more than made up by fresh elections. The expenses of the change were necessarily heavy, and the cost of administration has been increased, but the Society can face the future with confidence if the election of new Fellows distinguished as historical writers, students, and teachers, is maintained. Fellows can materially help the Society by exerting themselves to secure suitable candidates for election.

The Library has increased considerably. Dr. Prothero's kindness has again been conspicuous in the gift or loan of books. He has lately deposited with the Society a very valuable collection of pamphlets, &c., upon recent history. The Library Catalogue has been completed and issued to Fellows. A perusal of it will suggest the many works of reference which are still wanted.

The Society has lost by death Lord Welby, Mr. C. E. Doble, Mr. F. F. Fox, and Mr. C. Roylance Kent, and ten other Fellows.

A considerable number of Fellows, including one Hon. Vice-President and several members of the Council, are on active service. Two Fellows are known to have been killed: Major Meyer-Griffiths, in the Cameroons, after serving with great distinction upon the Staff, and Captain J. W. Reynolds, Fellow of Sidney Sussex College, Cambridge. A complete list of those on military service is much to be desired, but cannot be compiled unless Fellows or their friends will contribute the names.

The various historical schemes with which the Society is connected, and to which it has contributed by the work of Fellows, or financially, such as the Bibliography of British History, and the Magna Carta celebration, have been suspended through the War. But in connexion with the latter, Professor McKechnie kindly volunteered to give an address upon the history and influence of the Charter from 1215 to 1915. It was delivered after the end of the Session 1914-1915, but it would be ungracious to postpone for over a year the acknowledgment of so brilliant a lecture, worthily supplemented by the weighty words of Viscount Bryce, who kindly took the chair, and by speeches from Sir Frederick Pollock and Sir Courtenay Ilbert. A valuable body of Essays upon the Charter is in the hands of the Secretary awaiting the opportunity of publication.

The following Papers were read in the course of the session:—

'The Despenser War in Glamorgan.' By J. Conway Davies, M.A., F.R.Hist.S. (November 19, 1914.)

'A French Provincial Assembly during the League.' By Maurice Wilkinson, M.A., F.R.Hist.S. (December 10, 1914.)

'Some Correspondence between Queen Elizabeth and the Czars of Russia.' By Madame Inna Lubimenko, D. ès Lettres (Paris). (December 10, 1914.)

'The Causes of the Anglo-German Hostilities in 1914, from the historian's point of view.' By G. W. Prothero, LL.D., Litt.D., F.B.A., Vice-President. (January 21, 1915.)

'Some Unpublished Privy Seal Docquets of the Civil War Time.' By Hilary Jenkinson, B.A., F.S.A., and H. Symonds, F.S.A. (March 18, 1915.)

'The Spanish Municipal Administration in South America, 1500-1800.' By F. A. Kirkpatrick, M.A., F.R.Hist.S. (April 15, 1915.)

'The Errors of Macaulay in his Estimation of the Squires and Parsons of the Seventeenth Century.' By the Rev. P. H. Ditchfield, M.A., F.S.A., F.R.Hist.S., F.R.S.L. (May 20, 1915.)

'The Historical Side of the Old English Poem of Widsith.' By Alfred Anscombe, F.R.Hist.S. (June 17, 1915.)

At the Annual Meeting, on February 1, 1915, the President, Professor C. H. Firth, LL.D., F.B.A., delivered an Address dealing with the historical relations between England and Belgium from the mediæval period onwards.

The above Papers, with the exception of Dr. Prothero's (which has been issued as a separate publication), are printed in the *Transactions*, Third Series, Vol. IX.

The Alexander Medal for 1914 was not awarded. In addition to the current volume of *Transactions* the following volume of *Publications* has been issued to Fellows and Subscribing Libraries since the date of the last Report:—

Camden, Third Series, Vol. XXVII. 'The Stiffkey Papers' (1580-1620). Selected from the official papers of Sir Nathaniel Bacon, of Stiffkey, Norfolk, and edited by Mr. H. W. Saunders, M.A., F.R.Hist.S.

The following volume is in the press and will be issued (on the return of the editor from India) in the spring or early summer:—

Camden, Third Series, Vol. XXVIII. 'Henry of Bray's Estate Book (1290-1340).' Edited by Miss Dorothy Willis, formerly of Newnham College, Cambridge.

The following volumes of the same series are in active preparation:—

Camden Miscellany, Vol. XIII.

'Some Seventeenth Century Family Memoirs (Guise and Raymond).' Edited by G. Davies, B.A.

'The Secret Service under George III.' Edited by Professor W. T. Laprade.

Sir George Warner has kindly promised to put in hand the work of preparing for the press Volume IV. of the valuable series of Nicholas Papers edited by himself for the Camden Society. This volume will represent No. 63 of the Camden New Series.

During the past Session a series of evening lectures on subjects of general historical interest was arranged by the Council, and the following lectures were delivered :—

Friday, May 7 : 'The Historical Geography of the Hungarian Plain.' By H. J. Mackinder, Esq., M.A., M.P.

Friday, May 21 : 'The Last Great War (1795-1814) and the Present.' By The Hon. J. W. Fortescue, F.R.Hist.S.

Thursday, June 10 : 'The Expansion of Germany since 1890.' By Ernest Barker, Esq., M.A., F.R.Hist.S.

Friday, June 18 : 'Some Episodes of Waterloo as Illustrations of Historical Evidence.' By Colonel E. M. Lloyd, V.P.R.Hist.S.

Friday, July 2 : 'Military Ballads.' By Professor C. H. Firth, LL.D., Litt.D., President R.Hist.S.

Friday, July 9 : 'Work of the Navy in the Great War after Trafalgar.' By Julian S. Corbett, Esq., LL.M., F.R.Hist.S.

The results of this experiment appear to the Council to be encouraging, judging from the large attendance and personal appreciation of the Fellows and their friends.

In accordance with By-law XVII. the following Vice-Presidents retired in rotation : Sir J. H. Ramsay, Bart., M.A., and Mr. G. W. Prothero, LL.D., Litt.D.

Both were re-elected, and the election of Mr. R. A. Roberts as a Vice-President was confirmed.

The following members of the Council retired also under By-law XVII., and were re-elected : Mr. T. Seccombe, M.A. ; Mr. R. G. Marsden, M.A. ; Mr. J. F. Chance, M.A. ; and Professor A. F. Pollard, M.A., D.Litt.

The co-optation of Mr. G. P. Gooch, M.A., and Mr. Basil Williams, M.A., as members of Council was confirmed.

Professor Tout, M.A., and Professor Vinogradoff, M.A., have been elected Honorary Vice-Presidents.

The Secretary reports that the total membership of the Society on October 31, 1915, including Honorary, Corresponding, Life, and Ordinary Fellows, and Subscribing Libraries was 770. Of this number 17 were Honorary Fellows, 27 were Corresponding Members, and 86 were Life Fellows. The annual subscriptions are received from Ordinary Fellows paying £1 1s. under the old regulations ; former members of the

old Camden Society and Subscribing Libraries paying £1; and Fellows paying the Statutory subscription of £2 2*s*.

There are 59 British and Foreign Societies which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that the Income of the past year is exceeded by the Expenditure chargeable on that Income by £125 18*s*. 3*d*. The new financial year commences with an obligation of £230 incurred for publications in process of printing but not yet completed at the date of the report. On the other hand this deficit and the liability are partly covered by the £200 new War Loan 4½ per cent. Stock purchased in the year.

As anticipated in last year's statement the expenses have been largely increased by the cost of removing to the premises in Russell Square. These expenses include money spent in making the house suitable for the Society, besides purchasing carpets, electric fittings, furniture, and bookshelves. The total cost amounts to £566 9*s*. 7*d*., met by the withdrawal of £400 from the Deposit Account at the Bank, the remainder, £166 9*s*. 7*d*., being paid for out of revenue. The outgoings include a sum of £51 18*s*. for rates, which had not been anticipated, as the exemption enjoyed from the payment of rates at Gray's Inn has not been granted for Russell Square.

The premises are insured against aircraft risks.

Owing to the increased obligations of the Society rigorous economy in all directions is necessary, but the financial prospect is satisfactory.

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance Sheet appended to this Report, and have certified the same to be correct from their inspection of the books and vouchers.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account relating to the Year ending October 31, 1915.

Income.	£	s.	d.
Subscriptions of 1913: 1 at 20s. £1 0 0			
,, 1914 4 at 20s. 4 0 0			
,, ,, 17 at 42s. 35 14 0			
£40 14 0			
Less amount estimated to be received in last year's accounts for subscriptions in arrear . 20 0 0			
Subscriptions in arrear, received in excess of estimate	20	14	0
Subscriptions now in arrear estimated to be received	20	0	0
Subscriptions of 1915: 197 at 20s. 197 0 0			
,, ,, 37 at 21s. 38 17 0			
,, ,, 353 at 42s. 741 6 0			
	977	3	0
Life subscriptions: 4 at £21 84 0 0			
Less proportion required by By-Law IX. to be invested (see Balance-sheet) 56 0 0			
	28	0	0
Dividends on Russian 4% Bond (Alexander Trust)	3	9	10
,, Consols	18	16	2
,, India 3½% Stock	27	18	0
,, Canada 3½% Stock	9	6	0
Interest on Deposit Account at Bank	4	12	3
Historical Association	13	15	0
British Archæological Association	22	10	0
American Historical Society	16	0	0
£1,162	4	3	
Balance, being excess of Expenditure over Income for the year ending October 31, 1915, carried to Balance-sheet	125	18	3
£1,288	2	6	

Expenditure.	£	s.	d.
Publications: Printing and Distributing £370 8 4			
Editing and Indexing . . 13 13 0			
£384 1 4			
Less received from Sales . 30 14 2			
	353	7	2
Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary . . 271 10 0			
Wages 64 14 0			
	336	4	0
Rent of Premises, 22 Russell Square . . .	146	9	2
Coal	17	11	10
Electric Light	2	14	2
Rates (Parochial &c. and Taxes) . . .	69	16	3
General Printing and Stationery . . .	60	1	6
Library: Books, Periodicals, and Binding . .	24	18	3
,, Library Catalogue, Printing, &c. . .	30	10	0
Postages &c.	19	16	9
Sundries (Petty Cash payments) . . .	29	0	6
Advertising	11	8	0
Insurance (Fire, Aircraft, &c.) . . .	12	1	10
Monthly Meetings (cost of Refreshments) . .	6	17	7
Magna Carta Celebration, 1915: preliminary expenses .	0	15	11
Removal from Gray's Inn to Russell Square:—			
Dilapidations Gray's Inn . . £20 0 0			
Decorations Russell Square . . 170 3 2			
Carpets (ditto) 133 12 8			
Electric Fittings (ditto) . . . 45 3 7			
Furniture and Bookshelves (ditto) . 157 8 10			
Actual removal expenses . . . 14 0 8			
Sundries (Fees &c.) . . . 26 0 8			
Total cost of Removal . . . 566 9 7			
Withdrawn from Deposit Account at Bank 400 0 0			
Charged against income of 1915 .	166	9	7
£1,288	2	6	

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1915.

Liabilities.

Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1,262 0 0		
Proportion of Life subscriptions received in 1915 (see Income and Expenditure Account)	56 0 0		
		1,318 0 0	
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, and Cash on Deposit—see *contra*]			
Alexander Trust Fund [Russian 4% Bond—see *contra*]		98 17 6	
Subscriptions received in advance		40 16 0	
Amount due to Messrs. Spottiswoode, not yet paid		100 0 0	
,, ,, Arden Press, Ltd., ,, ,,		130 0 0	
Balance, being surplus of Assets over Liabilities at date		2,617 11 1	
Viz.—Amount brought forward from last year	£3,143 9 4		
Deduct amount withdrawn from Deposit Account (see "Removal")	400 0 0		
	2,743 9 4		
Deduct Excess of Expenditure over Income as shown by Income and Expenditure Account	125 18 3		
	£2,617 11 1		
		£4,305 4 7	

Assets.

		£ s. d.
Consols 2½% £849 9*s.* 9*d.* valued at		700 0 0
India 3½% Stock £900 at cost		847 16 6
Canada 3½% Stock £300 at cost		285 1 0
Russian 4% Bond		98 17 6
War Loan, 1925–1945, 4½% £200 at cost		198 18 8
Cash at Bank: Current a/c	£101 5 11	
,, Deposit Account	47 13 2	
Petty Cash Balance in hand	5 11 10	
		154 10 11
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Messrs. Spottiswoode & Co. and Messrs. W. H. Smith & Son (value as insured)		500 0 0
Library (value as insured)		1,000 0 0
,, Manuscripts (value as insured)		100 0 0
Furniture, &c. ,, ,,		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		20 0 0
		£4,305 4 7

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) E. M. Lloyd
J. Foster Palmer
A. Forbes Sieveking
} *Auditors.*

January 18th, 1916.

Royal Historical Society.

(INCORPORATED BY ROYAL CHARTER.)

PATRON:
HIS MAJESTY THE KING.

PRESIDENT:
PROFESSOR C. H. FIRTH, LL.D., LITT.D.

I. The Historical Society was founded in the year 1868 by the then Archbishop of York, the late Earl Russell, the late George Grote, the late Dean of Westminster, Sir John Lubbock, Bart. (the late Lord Avebury), the late Earl of Selborne (then Sir Roundell Palmer), and other eminent men of the day, its main objects being to promote and foster the study of History by assisting in the publication of rare and valuable documents, and by the publication from time to time of volumes of Transactions and Publications.

II. In the year 1872 the Society, through the Secretary of State (the late Right Hon. H. A. Bruce, afterwards Lord Aberdare, G.C.B., for many years President of the Society), received the official permission of Her late Majesty Queen Victoria to adopt the title Royal Historical Society. In the year 1887 Her late Majesty was pleased to become Patron of the Society, and was also pleased to cause Letters Patent, dated July 31, 1889, to be passed under the Great Seal, granting to the Society Her Majesty's Royal Charter of Incorporation. Upon His accession to the Throne His Gracious Majesty King Edward VII. was pleased to become Patron of the

Society in succession to Queen Victoria. After the lamented death of King Edward, His present Majesty was graciously pleased to continue His Royal patronage. On May 2, 1897, the Camden Society was amalgamated with the Royal Historical Society, and the Camden Series of Publications was transferred to the latter Society.

III. The Society consists of a President, Fellows, and Honorary Fellows and Corresponding Members, forming together a body, at the present time, of nearly seven hundred Members. The principal States of Europe and America, British India, and the Colonies are represented by Honorary or Corresponding Fellows.

IV. The Annual Subscription to the Society is *Two Guineas*; and at present there is no entrance fee. Fellows may, on joining the Society, or afterwards, compound for all future subscriptions upon the payment of *Twenty Guineas*. Libraries may be admitted to the Membership of the Society for the purpose of receiving its Publications on payment of an annual subscription of *One Pound*.

V. The Fellows of the Society and Subscribing Libraries in Great Britain receive gratuitously a copy of each of the Society's Transactions and Publications during the period of their subscription. It is desirable that Foreign Libraries should appoint an Agent in London to whom the Publications may be delivered for transmission.

The annual Publications of the Society include a volume of Transactions containing selected Papers read at the Society's Ordinary Meetings, together with the

texts of the most valuable of the original documents which may be communicated to the Society from time to time by historical scholars. In addition to this volume, the Council will endeavour to continue the regular production of a uniform series of Publications (in the style of the Camden Series of Publications), at the rate, if possible, of two volumes in every year. In the interests of the Membership of the Society, the Council have recently decided that the Publications of the Society shall in future be published by the Society alone, and shall be issued only to Fellows and Subscribing Libraries. Arrangements have been made by which back volumes, as far as the stock permits, can be supplied to newly elected Fellows at a moderate price.

VI. Ordinary Meetings of the Society for the reading of Papers and discussions thereon are held from November to June, on the *third* Thursday in each month, at 5 P.M. The Anniversary Meeting is held on the third Thursday in February, when the Report of the Council is presented to the Fellows, and the President delivers his Annual Address.

VII. The Library of the Society, at 22 Russell Square, W.C., is open to Fellows daily, from 10 A.M. to 6 P.M. (Saturdays, 10 A.M. to 2 P.M.) The Library will be closed on the first Monday in August, Christmas Day, Good Friday, Easter Monday, and Whit Monday.

Books may be taken out by Fellows on signing a ticket for the same, but no Books may be kept out for a longer period than three months. Maps, MSS., and Periodicals must not be taken from the Library. Fellows are responsible for Books used or taken away

by them. No writing of any kind may be made upon Books or MSS. Owing to the limited space available for general historical literature, the Council must reserve the right to decline donations of books which may appear unsuitable.

VIII. All literary communications, proposals for Papers to be read before the Society, or for Historical documents or relics to be exhibited at the ordinary Meetings, should be addressed to the Director,

22 Russell Square, W.C.

All communications respecting the Library should be addressed to the Librarian,

22 Russell Square, W.C.

All subscriptions, unless paid by Banker's Order, should be sent to the Treasurer,

22 Russell Square, W.C.

The attention of Fellows is directed to By-law XI. on this subject.

Communications on all other subjects should be addressed to the Hon. Secretary,

22 Russell Square, W.C.

No. I.

FORM OF A CANDIDATE'S CERTIFICATE.

Certificate of Candidate for Election.

Name, ...

Title, Profession, or Occupation, ...

Residence, ...

Qualifications, ...

being desirous of admission into the ROYAL HISTORICAL SOCIETY, we the undersigned recommend him as a fit and proper person to be admitted as a Fellow.

Dated this ..... day of ..... 191.....

..... *F.R. Hist. Soc.* } *From personal knowledge.*

..... *F.R. Hist. Soc.* } *From general knowledge (one signature required by Rule II.).*

..... *F.R. Hist. Soc.* }

Proposed ..... 191.....

Elected ..... 191.....

Copies of this Form may be obtained on application to THE HON. SECRETARY, 22 *Russell Square, W.C.*

No. II.

A VOTE by ballot, when necessary, shall be conducted in the usual manner, and the Secretary shall cause Voting Papers to be prepared for that purpose in the following form :—

VOTING PAPER.

Election held ..... **19**.....

Candidates for the office of President:	1.	.....
	2.	.....
Vice-President:	**Retiring Vice-Presidents who offer themselves for re-election.**	
	1.	.....
	2.	.....
	Candidates nominated under Rule XVIII.	
	3.	.....
	4.	.....
For the Council:	**Retiring Members who offer themselves for re-election:**	
	1.	.....
	2.	.....
	3.	.....
	4.	.....
	Candidates nominated under Rule XVIII.	
	5.	.....
	6.	.....
	7.	.....
	8.	.....

Fellows shall record their votes by putting a cross against the names of the Candidates in whose favour they wish to vote. If any Fellow shall record his vote for more Candidates than there are vacancies, his Voting Paper shall be void.

CHARTER OF INCORPORATION

CHARTER OF INCORPORATION

OF THE

ROYAL HISTORICAL SOCIETY.

Victoria, BY THE GRACE OF GOD, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, TO ALL TO WHOM these Presents shall come, Greeting;

WHEREAS Our right trusty and well beloved Councillor, Henry Austin, Baron Aberdare, Knight Grand Cross of Our most Honourable Order of the Bath, Fellow of the Royal Society, has by his Petition humbly represented unto Us, That in the year one thousand eight hundred and sixty-eight, His Grace the Archbishop of York, the late Right Honourable John, Earl Russell, K.G., F.R.S., the late Very Reverend the Dean of Westminster, Sir John Lubbock, Baronet, the late Sir John Bowring, LL.D., Sir Roundell Palmer, Q.C., M.P., D.C.L., now Earl of Selborne, the late George Grote, Esquire, F.R.S., and others of Our subjects formed themselves into a Society known as the Historical Society of Great Britain, having for its object the promotion of the study of History;

AND WHEREAS We were pleased in the year one thousand eight hundred and seventy-two to permit the said Society to adopt the name and title of the Royal Historical Society;

AND WHEREAS in the year one thousand eight hundred and eighty-seven We were pleased to become Patron of the said Royal Historical Society;

AND WHEREAS it has been represented to Us by the said Petitioner that the said Society has been and continues to be actively employed in promoting the object for which the said Society was founded, and has published thirteen volumes of Transactions containing original memoirs read before the Society, and did also in the year one thousand eight hundred and eighty-six appoint a

Committee for the due celebration of the eight hundredth anniversary of the completion of the Domesday Book of His late Majesty William the First, by which Committee meetings for the reading of papers and exhibitions of Domesday Book and other manuscripts were held, and the papers read at the meetings have been published under the title of Domesday Studies, of which We have been pleased to accept the dedication, and the said Society has also published the despatches from Paris in one thousand eight hundred and two-one thousand eight hundred and three of Lord Whitworth, Ambassador of His late Majesty King George III ;

AND WHEREAS the said Society has in aid of its objects collected a Library to which additions are constantly being made, and other property ;

AND WHEREAS the said Petitioner, believing that the well-being and usefulness of the said Society would be materially promoted by its obtaining a Charter of Incorporation, hath therefore, on behalf of himself and the other Fellows of the said Society, most humbly prayed that We would be pleased to grant to those who now are, or who shall from time to time become Fellows of the said Society, Our Royal Charter of Incorporation ;

NOW KNOW YE that We, being desirous of encouraging a design so laudable and salutary, of Our especial grace, certain knowledge and mere motion, have granted, directed and declared, and by these Presents do grant, direct, and declare that the said Henry Austin, Baron Aberdare, and such others of Our loving subjects as now are Fellows of the said Royal Historical Society (hereinafter called the said Society), or as shall hereafter from time to time become under the provisions of these Presents Members of the Body Politic and Corporate by these Presents created, shall for ever hereafter be one Body Politic and Corporate by the name of the ROYAL HISTORICAL SOCIETY ; and for the purposes aforesaid, and by the name aforesaid, shall have perpetual succession and a Common Seal, with full power and authority to alter or vary, break and renew the same at their discretion, and by the same name to sue and be sued, implead and be impleaded, answer and be answered in every Court of Us, Our Heirs and Successors.

AND Our will and pleasure is, that the Royal Historical Society hereby created (hereinafter called the Corporation) may, notwithstanding the Statutes of Mortmain, take, purchase, hold and enjoy to them and their successors a hall or house, and such other lands, tenements, and hereditaments as may be necessary for carrying on

the purposes of the Society, Provided that the yearly value of such lands, tenements, and hereditaments (including the said hall or house) computed at the yearly value of the same at the time of the respective purchases or acquisition thereof do not exceed in the whole the sum of Two thousand pounds sterling.

AND Our will and pleasure is, and We do hereby declare, That there shall always be a Council of the Corporation, and that the said Council shall consist of a President, not less than six Vice-Presidents, a Treasurer, a Secretary, and not less than fourteen Councillors, who shall be elected and retire in accordance with the By-laws for the time being of the Corporation, and that the present Council of the said Society shall be the first Council of the Corporation;

AND Our will and pleasure is, That the Council of the Corporation may from time to time make, revoke, alter, and amend by-laws for all or any of the following purposes, to wit:—

(*a*) Prescribing the manner in which persons may become members of the Corporation and the conditions of membership, and the rights, powers, duties, privileges, and amotion of the members of the Corporation;

(*b*) Prescribing the tenure of office by the President, Vice-Presidents, Treasurer, Secretary, and Councillors of the Corporation (including those hereby appointed), and the mode of electing or appointing future Presidents, Vice-Presidents, Treasurers, Secretaries and Councillors, and the rights, powers, duties, privileges, and amotion of the first and future Presidents, Vice-Presidents, Treasurers, Secretaries, and Councillors;

(*c*) With respect to the appointments, emoluments, and tenure of office of the officers and servants of the Corporation;

(*d*) The election or appointment and amotion of honorary members or Fellows of the Corporation (who may, if the by-laws so declare, be either Our subjects or foreigners, or both);

(*e*) The classes into which Members are to be admitted;

(*f*) Generally for regulating the affairs, property, business, and interests of the Corporation and its Council and Members, and making, revoking, altering, and amending by-laws and carrying out the objects of these Presents;

Provided that such by-laws shall not be valid unless and until they have been approved by a clear majority of the members of the Corporation present at a meeting specially summoned for the purpose, and Provided also that if any by-law be contrary to the objects

of the Corporation, or the intent or meaning of this Our Charter, or the laws or statutes of Our Realm, the same shall be absolutely null and void.

WE do further direct and declare that the existing by-laws of the said Society shall (so far as they are applicable) apply to the Corporation, its Council, members, and affairs until by-laws made under these Presents have come into force but no longer.

WE do further by these Presents declare that it is Our will and pleasure that these Presents may be repealed, altered, amended, or added to by any Charter granted by Us, Our Heirs and Successors, at any time hereafter, and accepted by a clear majority of the members of the Corporation present at a Meeting specially summoned for the purpose.

IN WITNESS whereof We have caused these Our Letters to be made Patent. WITNESS Ourself at Westminster, the thirtieth day of July, in the fifty-third year of Our Reign.

By Warrant under the Queen's Sign Manual,

MUIR MACKENZIE. L.S.

BY-LAWS

THE BY-LAWS

OF THE

ROYAL HISTORICAL SOCIETY

(Incorporated by Royal Charter).

I.—The Society shall consist of Ordinary and Honorary Fellows and Corresponding Members. The number of Honorary Fellows shall not exceed Seventy-five ; and of these not more than twenty-five shall be British subjects.

II.—Every person desirous of admission into the Society as an Ordinary Fellow must be proposed and recommended agreeably to the Form No. I. in the Appendix hereto, and such recommendation must be subscribed by two Fellows at least, one of whom must certify his personal knowledge of such candidate. The certificate thus filled up shall be delivered to the Secretary, and shall be communicated by him to the Council at their next meeting, when the election of such candidate may take place.

III.—Fellows shall be elected by the Council on the vote of two-thirds of the Members of Council present. The names of those so elected shall be announced at the next Ordinary Meeting of Fellows.

IV.—The Secretary shall send to every elected Fellow notice of his election within seven days thereafter. No election of an Ordinary Fellow shall be complete, nor shall his name be printed in the list of the Society, nor shall he be entitled to any of the privileges of a Fellow, until he shall have paid his

entrance fee (if any) and first year's subscription, or compounded for the same, as hereinafter provided; and unless these payments be made within three calendar months from the date of election, such election may be declared void by the Council.

V.—Subject to the limit fixed in Rule I., the Council shall be empowered to elect persons of distinction in historical studies as Honorary Fellows, or as Corresponding Members, who shall not be required to pay an entrance fee or annual subscription; but no persons so elected shall be entitled, except on the special vote of the Council, to receive the Publications of the Society, or to vote at meetings. The Council may also nominate distinguished Fellows of the Society to be Honorary Vice-Presidents, who shall be elected by the Fellows at the Anniversary Meeting, and shall retain the title so long as they are Fellows of the Society, provided that the number of Honorary Vice-Presidents shall not exceed twenty-five.

VI.—The Council shall also be empowered to admit Libraries as subscribers for the Publications of the Society, and to define from time to time the conditions of such admission.

VII.—If any Fellow of the Society shall so demean himself that it would be for the dishonour of the Society that he longer continue to be a Fellow thereof, the Council shall take the matter into consideration; and if two-thirds of the Members of the Council present and voting at a meeting (of which and of the matter in hand such Fellow and every Member of the Council shall have due notice) shall decide by ballot to recommend that such Fellow be removed from the Society, he shall be requested to resign. If he refuse to resign, a Special Meeting of the Society shall be convened to consider the recommendation of the Council, at which meeting, or at an adjourned meeting, the question shall be decided by ballot; and if two-thirds of the Fellows present and voting agree with the recommendation of the Council the name of such Fellow shall forthwith be removed from the Roll.

VIII.—The Annual Subscription shall be Two Guineas, provided always that Fellows elected prior to the 1st of March, 1884, shall not be required to pay more than One Guinea annually, and Members of the Camden Society elected prior to the 1st March,

1895, the sum of One Pound annually. The Council shall decide from time to time whether any entrance fee shall be levied and, if so, shall fix its amount.

IX.—Fellows of the Society may at any time compound for their annual subscription by the single payment of Twenty Guineas, of which Fourteen Pounds Sterling shall be placed to the Capital Account of the Society.

X.—No Fellow shall be entitled to any of the privileges of the Society unless and until his subscriptions for the current and previous years have been paid.

XI.—Any Fellow of the Society failing to pay the subscription due for the current year on or before June 1, shall be applied to in writing by the Secretary; and if the same be not paid on or before the 31st December following, the Council shall be empowered to remove his name from the Roll; but such Fellows shall continue liable to the Society for the arrears of their subscriptions.

XII.—Every Ordinary Fellow of the Society shall, during the term of his subscription, be entitled to receive the Publications of the Society free of expense.

XIIIA.—Every Fellow of the Society shall furnish his Address, or that of his Agent or Banker, to the Secretary; and all notices or packets posted or sent to such address shall be held to be duly delivered.

XIIIB.—No dividend, gift, division or bonus in money shall be made by the Society unto or between any of its Fellows.

XIV.—Fellows shall have access to the Society's Library under such regulations as may appear to the Council necessary.

XV.—The President shall be elected by the Fellows at the Anniversary Meeting, and shall hold office for a term of four years. The past Presidents shall be ex-officio Honorary Vice-Presidents of the Society.

XVI.—The Council shall consist of the President, not less than eight Vice-Presidents, the Treasurer, the Secretary, and not less than sixteen Councillors.

XVII.—The two Vice-Presidents senior on the Council Roll, and the four Councillors senior on the Council Roll, shall retire annually, but shall be re-eligible.

XVIII.—The names of Fellows to be submitted for election as Office-Bearers and Councillors shall be proposed by the Council and intimated to the Fellows at least Fifteen days before the Anniversary Meeting; but any ten Fellows of the Society may nominate Fellows to supply vacancies, such names being notified to the Secretary at least Ten days before the said Meeting. If the number of Candidates nominated as Vice-Presidents or Councillors be such as would, if all were elected, raise the number of Vice-Presidents or Councillors above eight or sixteen respectively, the Meeting shall determine the number of vacancies to be filled; and if the number of vacancies so determined for either class should be less than the number of Candidates, the elections for that class shall take place by ballot as provided in Appendix II.

XIX.—On a vacancy occurring in the office of President or other office of the Society, or in the Council, the Council shall have power to supply such vacancy until the following Anniversary Meeting.

XX.—In all Meetings of the Council five shall be a quorum, and all questions shall be decided by show of hands, unless a ballot be demanded.

XXI.—The Council shall determine the Works, Articles, and Papers to be read at the Society's Meetings, and otherwise shall arrange the business of the Society; and nothing shall be published in the name of the Society, or under its auspices, or inserted in the Society's *Transactions* or other publications, without the authority of the Council.

XXII.—The Council shall appoint any persons they deem fit to be salaried officers or clerks, for carrying on the necessary

concerns of the Society; and shall define the duties to be performed by them respectively, and shall allow to them respectively such salaries, gratuities, and privileges as the Council may deem proper; and may suspend or discharge any officer or clerk from office whenever there shall seem to them occasion for so doing.

XXIII.—The Meetings of the Society are of three kinds—Anniversary, Special, and Ordinary.

XXIV.—The Anniversary Meeting shall be held on the Third Thursday of February, or at such other time as the Council shall from time to time appoint. At the Anniversary Meeting the vacancies in the Council shall be filled up.

XXV.—The Council may call a Special Meeting of the Society whenever it shall be considered necessary, and shall convene a Special Meeting of the Society on a requisition to that effect being made by twenty Fellows, the date of such Meeting being fixed within one month from the receipt of the requisition.

XXVI.—A fortnight's notice, at least, of the time when, and the object for which, every Special Meeting is to be holden shall be sent to every Fellow residing in the United Kingdom; and no other business than that of which notice has been thus given shall be entered upon or discussed at such Meeting.

XXVII.—At every Special Meeting of the Society ten Fellows shall form a quorum.

XXVIII.—The Ordinary Meetings shall be held on the third Thursday of each month, from November to June inclusive in each year, or at such other times as the Council shall determine.

XXIX.—At the Ordinary Meetings papers and communications shall be read and discussed; but nothing relating to the regulations or management of the Society shall be brought forward.

XXX.—Visitors to the Ordinary Meetings may be admitted if introduced personally by Fellows, or by their written order, under such regulations as the Council may determine.

XXXI.—Any Fellow of the Society who proposes to read a Paper at any Ordinary Meeting shall submit it for the approval of the Council, and shall state in writing whether such Paper has, in whole or in part, been previously read to any other Society, or publicly utilised in any form; but it shall rest with the Council to determine whether a Paper shall be read or utilised by the Society.

XXXII.—At all Meetings of the Society, or the Council, or the Committees thereof, the President, if present, shall be Chairman; and in his absence one of the Vice-Presidents, or, if no Vice-President be present, a Member of Council shall be elected Chairman for the occasion.

XXXIII.—In all Meetings of the Society and Council, except in the cases otherwise provided for, the decision of a majority of the Fellows voting shall be considered as the decision of the Meeting, the President or Chairman having a casting vote only.

XXXIV.—The Accounts of the Society shall be from time to time examined by the Council, who shall present, and cause to be read to the Anniversary Meeting a complete statement thereof, together with a report on the general affairs of the Society during the preceding year.

XXXV.—The Treasurer shall receive all moneys due to the Society, and on the order of the Council pay out of the moneys so received all charges on the Society's funds; he shall keep a proper account of his receipts and payments. All cheques or orders on the Treasurer's account for the payment of any sum of money above £5 must be authorised by the Council, and cheques must be signed by the Treasurer and two Members of the Council.

XXXVI.—At the last Ordinary Meeting in each session, the Fellows shall choose two Auditors, not of the Council, who, with one Auditor appointed by the Council, shall audit the Treasurer's accounts, and report thereon to the Society, which report shall be presented to the Anniversary Meeting.

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